

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62151 of 2022

Arising Out of PS. Case No.-469 Year-2021 Thana- GAYA MUFASIL District- Gaya

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Suman Kumar Son of Nagendra Singh @ Nageshwar Singh Resident of
Village - Barchaita, P.O.- Tankuppa, P.S.- Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-03-2023 Heard Mr. Krishna Prasad Singh, learned Senior
counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
20(II)/22(c) of the Narcotic Drugs and Psychotropic Substance
Act, 1985.

Recovery is of 2200 grams of Morphin like
substance from the Dicky of the motorcycles.

Learned Senior counsel for the petitioner submits
that the petitioner has clean antecedents and he has been falsely
implicated in the present case. He further submits that as per
allegation in the F.I.R. that 2200 grams of Morphin like



substance was recovered from the dicky of the motorcycle of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner.

A report was called for in Cr. Misc. No. 42905 of 2022 with respect to the FSL report. FSL report dated 26.05.22 reveals that “No Brown sugar or Heroin, a Dia acetyl derivative of Morphine could be detected in the contents of polythene envelope”.

Learned Senior counsel for the petitioner submits that in view of the FSL report, no case is made out against the petitioner under the NDPS Act. He further submits that similarly situated co-accused Raja Kumar @ Gulshan Kumar has been granted bail by this Court vide order dated 12.12.2022 passed in Cr. Misc. No. 42905 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner but fairly submits that FSL report reveals that no substance of contraband.

Considering the facts and circumstances of the case and in view of the FSL report, no case is made out under the NDPS Act, let the petitioner, above named, in the event of his



arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with N.D.P.S. Case No. 69 of 2021 arising out of Muffasil P.S. Case No. 469 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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