

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66161 of 2022**

Arising Out of PS. Case No.-252 Year-2022 Thana- JOGBANI District- Araria

SURESH RAM Son of Sada Nand Ram Resident of Village- Khajurbari,
Ward No.-06, P.S.- Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 07-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
19.08.2022 in connection with Special Case No.23 of 2022
arising out of Jogbani P.S. Case No. 252 of 2022, F.I.R. dated
18.08.2022 registered for the offence punishable under
Sections 21,22 of N.D.P.S.Act.

The prosecution case, in brief, is that the petitioner
on alleged date 18.08.2022 at 6.15 A.M. has been caught for
having illegal possession of 360 Nos. Capsules of Spaso Nof
and 08 Nos. of Spasmo Proxyvon being narcotic drugs for
which the petitioner has no any legal licence or any other
relevant documents.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that no incriminating article was recovered from possession of the petitioner rather some medicines i.e. 360 Nos. Capsules of Spaso Nof and 08 Nos. of Spasmo Proxyvon has been recovered from possession of the petitioner and without F.S.L.Report, the police has submitted chargesheet against the petitioner. Further submits that no case is made out under the N.D.P.S.Act and the petitioner is in custody since 19.08.2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Araria in connection with Special Case No.23 of 2022 arising out of Jogbani P.S. Case No. 252 of 2022, with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, 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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