

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72814 of 2023

Arising Out of PS. Case No.-12 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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ROHIT KUMAR SON OF LALU RAM RESIDENT OF VILLAGE- R.M.S.
COLONY, ASHOK NAGAR, NEAR DURGA MANADIR, PS-
KANKARBAGH, DISTT- PATNA Petitioner/s

Versus

THE UNION OF INDIA THROUGH N.C.B. BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Diksha Kumari, Adv. Mr. Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv.
For the NCB	:	Smt. Renuka Shamra, Adv. Mr. Rajni Kant Singh, Adv. Mr. Rakesh Kumar, Adv. Mr. Manish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-11-2023 Heard Ld. Senior counsel for the petitioner and Ld.
Counsel for the NCB.

2. The petitioner renews his prayer for bail in connection with Special Case (NDPS) No. 53 of 2021 arising out of F. No. NCB/PZU/V/12/2021 registered for the offences punishable under Sections 8 (c) read with Section 21(c)/25/29 of NDPS Act.

3. Ld. Senior counsel for the petitioner submits that the petitioner had moved this Court earlier for regular bail vide Cr. Misc. No. 10914 of 2022, which was rejected vide order dated 21.12.2022 on merit. Now, Ld. Senior counsel for the petitioner submits that similarly situated co-accused, Rahul @ Samrat @ Rahul Samrat has been enlarged on bail by Hon'ble



Supreme Court vide order dated 11.09.2023 passed in Criminal Appeal No. 2760/2023 (SLP (CRL.) No. 4948/2023).

4. Ld. Counsel for NCB fairly submits that the case of present petition is similar to that of co-accused, Rahul @ Samrat @ Rahul Samrat because he was neither arrested on the spot nor any contraband was recovered from him and the name of petitioner along with Rahul had transpired in the confessional statement of co-accused.

5. Considering the aforesaid facts and circumstances, particularly the fact that similarly situated co-accused, Rahul @ Samrat @ Rahul Samrat has been enlarged on bail by Hon'ble Supreme Court vide order dated 11.09.2023 passed in Criminal Appeal No. 2760/2023 (SLP (CRL.) No. 4948/2023, this **application is allowed**, directing the petitioner, above named, to be enlarged on bail on his furnishing bail bond in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. CJM, Patna in connection with Special Case (NDPS) No. 53 of 2021 arising out of F. No. NCB/PZU/V/12/2021, on the following conditions:

- (i) The petitioner will make himself available for interrogation by a police officer/court as and when required.
- (ii) The petitioner will undertake that investigation/trial



will not hamper on account of his absence or non-cooperation.
He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding the previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

6. Ld. Counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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