

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69695 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- JOGBANI District- Araria

RAM KARAN YADAV S/O LATE RAMSHWROOP YADAV @
RAMROOP YADAV Resident of village- Tikuliya Basti, Indra Nagar, Ward
no- 10, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special
Case No. 24 of 2022 arising out of Jogbani P.S. Case No. 254 of
2022 dated 19.08.2022 registered for the offence under Sections
21 and 22 N.D.P.S. Act.

Recovery is of altogether 8 liters (80 bottles of 100 ml
each of Dialex DC codeine) cough syrup.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R. as
well as seizure list, altogether 8 liters (80 bottles of 100 ml each
of Dialex DC codeine) cough syrup has been recovered from the
possession of the petitioner. He further submits that without any



scientific report of the recovered article, the petitioner has been implicated in a false and fabricated case. He further submits that there is non-compliance of Section 100 Cr.P.C. He further submits that the recovered article does not come under the purview of N.D.P.S. Act rather it would be the subject matter of Drugs and Cosmetics Act, 1940. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.08.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case pertaining to N.D.P.S. Act but fairly submits that the report of Bihar Drugs Control Laboratory, Government of Bihar reveals that the recovered articles confirmed as under the prescribed limit. Therefore, rigors of provisions of N.D.P.S. Act does not come into play in this case.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 Sessions Judge, Araria in connection with Special Case No. 24 of 2022 arising out of Jogbani P.S. Case No. 254 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 canceled 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.

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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