

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67617 of 2022

Arising Out of PS. Case No.-312 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Rakesh Kumar Son of Chandrashekhar Prasad Singh R/v- Dahila, P.S.-
Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68412 of 2022

Arising Out of PS. Case No.-312 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Raj Gaurav S/o Arun Kumar Singh R/o Village- Dahila, P.S.- Gaighat, Distt-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67617 of 2022)

For the Petitioner/s : Mr. N.K Agrwal Sr. Adv
Mr. Chandra Shekhar Anand
Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Nand Kumar

(In CRIMINAL MISCELLANEOUS No. 68412 of 2022)

For the Petitioner/s : Mr. N.K Agrwal Sr. Adv
Mr. Chandra Shekhar Anand
Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 03-01-2023 Heard Ld. counsel for the petitioners and Ld. APP



for the State.

The petitioners seek bail in connection with N.D.P.S. Case No. 181 of 2022 arising out of Gaighat P.S. Case No. 312 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and 8, 20, 22 of the N.D.P.S. Act.

As per allegation, 2.160 liter of liquor and 970 grams of Charas were recovered from accused persons.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the recovered contraband is much less than the commercial quantity. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is released on bail. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners have been languishing in jail since 05.07.2022.



It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-III, Muzaffarpur or concern court in connection with N.D.P.S. Case No. 181 of 2022 arising out of Gaighat P.S. Case No. 312 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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 them 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 petitioners have any criminal antecedents, the Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

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

The application stands allowed accordingly.



Ld. counsel for the petitioners is directed to remove all the defects, if any, 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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