

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72385 of 2022

Arising Out of PS. Case No.-255 Year-2021 Thana- KANTI District- Muzaffarpur

DILIP RAJAK @ DILIP KUMAR @ DILIP KUMAR BAITHA S/o Prabhu
Rajak R/v- Kaparpura, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Adv. Mr. Saurav Anand, Adv. Mr. Sumit Jha, Adv.
For the Opposite Party/s :		Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.04.2021 in connection with Kanti P.S. Case No.255/2021,
F.I.R. dated 31.03.2021, for the offences punishable under
Sections 8, 20, 22 of NDPS Act.

According to prosecution case, 500 gram of charas
like substance is said to have been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner falsely been implicated in the present case. He further
submits that it appears from the F.I.R. as well as seizure list that
500 gram of charas like substance was recovered from the



possession of the petitioner. He further submits that there is non-compliance of section 42 and 50 of the NDPS Act and the recovered contraband is less than the commercial quantity, so, there is no embargo of Section 37 of the NDPS Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.04.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedent other than the present one but fairly submits that the recovered contraband is less than the commercial quantity.

Vide order dated 29.04.2023 a report was called for with regard to the stage of the trial. Report dated 02.05.2023 of the learned trial court reveals that charge has been framed against the petitioner on 07.12.2021 itself but out of seven chargesheet witnesses, no witness has been examined by the prosecution as yet. Learned counsel for the submits that in view of the report of learned trial court, it appears that the trial is not likely to be concluded in near future and the petitioner is in custody since 01.04.2021 and the recovered contraband is less than the commercial quantity.



Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1, Muzaffarpur in connection with Kanti P.S. Case No.255/2021, subject to 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 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 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)

amit/-

U		T	
---	--	---	--

