

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75381 of 2022

Arising Out of PS. Case No.-293 Year-2022 Thana- BYPASS District- Patna

Chhotu Alam @ Apesal Alam Son of Md. Slam @ Md. Alam Resident of
Village- Daudbigha, Bhutnath, P.S.- Agam Kuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Nayan, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APp

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
21.07.2022, in connection with Special Case No. 150 of 2022
(N.D.P.S. Case No. 152/2022) arising out of Special Case of
Bypass P.S. Case No. 293 of 2022, F.I.R. dated 20.07.2022
registered for the offences punishable under Sections 25(1-
b)A/26/35 of the Arms Act and Sections 20/22 of the N.D.P.S.
Act.

The case relates to recovery of one country made
pistol, one live cartridge and 04 pudia Smack total 1.86 mg.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it



appears from the F.I.R. as well as seizure list that one country made pistol, one live cartridge and 04 *pudiya Smack* was recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that without FSL report the petitioner has been implicated in the present case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that arms and other articles have been recovered from the possession of the petitioner but fairly submits that FSL report reveals that recovered articles is "*Amitriptyline is an antidepressant with sedative nature. It is used to treat low mood and depression.*"

Considering the aforesaid facts that FSL report has not confirmed that the recovered contraband comes under the N.D.P.S. Act and the petitioner is in custody since 21.07.2022, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XXV, Patna, in connection with Special Case No. 150 of 2022 (N.D.P.S. Case No. 152 of



2022) arising out of Special Case of Bypass P.S. Case No. 293 of 2022, 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 witness, 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 antecedents, 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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