

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12265 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- RUPAULI District- Purnia

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Anand Kumar Ray Son of Arjun Ray Resident of Village- Dhamdaha, Nehru
Chowk, Ward No.-01, P.S.- Dhamdaha, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Suppl.
Special Case No. 51 of 2023 arising out of Rupauli P.S. case No.
114 of 2023 instituted for the offences under Sections 8(c),
21(c), 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 15 grams of
contraband, i.e. smack like substance was recovered from the
possession of accused persons.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Learned counsel
further submitted that petitioner is not named in the F.I.R. The



name of the petitioner has transpired in this case on the basis of confessional statement of the co-accused Rupesh Kumar Ray. Petitioner has been remanded in this case on 01.12.2023 and has two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused persons. Petitioner has no concern with the alleged recovery. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 45203 of 2023. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act and Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, **after framing of charge, if not already framed** on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Suppl. Special Case No. 51 of 2023 arising out of Rupauli P.S. case No. 114 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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