

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14059 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- KIUL RAIL P.S. District- Lakhisarai

Pradeep Singh aged about 37 years, Male, son of Jatan Singh @ Ratan Singh
Resident of Village- Mohanpur Gauhatta PS- Budduchak Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 04-03-2024 Heard learned counsel appearing on behalf of
the parties.

2. The petitioner seeks bail in connection with
NDPS Case No.-19 of 2023 registered for the offence under
Sections 21(b) of the NDPS Act.

3. As per the allegation in the FIR, two persons
started fleeing away and one person was apprehended, on search
one Oppo A12 along with SIM and three strips of Ativan tablets
i.e., total 86 Ativan tablets of 2mg were recovered.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner has falsely been implicated in
this case. He next submits that the petitioner has never been ar-
rested from the spot nor any incriminating article was recovered



from the conscious possession of the petitioner. Petitioner is a labour class poor person and he is in custody since 15.09.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the FIR and the impugned order dated 18.12.2023, it appears that this case does not fall under purview of NDPS Act but it comes under Drugs and Cosmetics Act, 1940 vide schedule H (rules 65 & 97) prescription no.294 (LORAZEPAM), the alleged seized tablets/drug comes under small quantity, considering the aforesaid facts, the prayer of bail of petitioner be allowed. Let the above named petitioner be directed to be released on bail *after framing of the charge* in connection with N.D.P. S Case No.19 of 2023 (arising out of Kiul Rail P.S. Case No. 229 of 2023) on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Lakhisarai.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be



released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge and shall also present on each and every date fixed by the Trial Court and in case, the petitioner shall not appear in two consecutive dates without any reason, the learned Trial Court shall cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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