

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11412 of 2024

Arising Out of PS. Case No.-210 Year-2023 Thana- ISUAPUR District- Saran

Suresh Rai Son Of Late Jaleshwar Rai Resident Of - Bhalua Nakata, P.S.-
Janta Bazar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
: Mr. Basant Kumar Singh, Advocate
: Mr. Vishesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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

ORAL ORDER

- 2 23-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in connection with Isuapur
P.S. case No. 210 of 2023 instituted for the offences under
Section 414 of the Indian Penal Code and Sections 8/20(b)(ii)
(B)/22/29 of the N.D.P.S. Act.
3. Prosecution case, in short, is that on the alleged
date during vehicle checking police recovered total 4.725 Kg
ganja from the bag.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that the alleged recovery is less than the commercial quantity as per the N.D.P.S. Act, hence, Section 37 of the N.D.P.S. Act is not applicable in this case. Learned counsel further submitted that petitioner has not arrested on the spot. The name of the petitioner has transpired in this case on the basis of confessional statement of the co-accused Mangal Rai. Learned counsel further submitted that petitioner has no concern with the alleged recovery. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. It has been submitted on behalf of the petitioner that the petitioner has been remanded in this case on 20.12.2023 and has twenty-one criminal antecedents.

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 on, **after framing of charge, if not already framed** 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 Isuapur P.S. case No. 210 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.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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