

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22505 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- MAJHAULIA District- West Champaran

Satish Dubey @ Satish Kumar Dubey S/O- Binod Dubey, R/O- Village-
Jagannathpur, P.S.- Gopalpur, Dist.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raushan Raj, Advocate

For the Opposite Party : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-07-2024 Heard Mr. Raushan Raj, the learned counsel for the

petitioner and Mr. Md. Shakir Ahmad, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

22.12.2023, in connection with Majhauria P.S. Case No. 246 of

2023, FIR dated 31.03.2023, registered for the offences

punishable under Sections 399 and 402 of the Indian Penal Code

under Sections 25(1-b)a, 26 and 35 of Arms Act and under

Sections 8 and 20 of the NDPS Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 61252 of 2023, which was

rejected vide order dated 16.10.2023.

4. According to the prosecution case, after receiving



secret information that a criminal namely, Saif Ali has come near Maheshda Bridge to commit crime, the informant along with police party reached at the alleged place and upon seeing the police, the five accused persons who were standing at the bridge, started fleeing. Four accused persons managed to flee, however, Saif Ali was apprehended and from his possession a country made pistol loaded with a live cartridge, a TVS motorcycle and two kg of charas were recovered.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that petitioner has not been arrested from the place of occurrence and nothing has been recovered from his conscious possession and his name transpired on the basis of the confessional statement of the co-accused person namely, Saif Ali. He further submits that according to the FIR and seizure list, the contraband and illegal arms have been recovered from the possession of co-accused person Saif Ali and FSL report of the so-called contraband which was recovered from the possession of the co-accused person suggests:-

*“No Charas, containing
Tetrahydrocannabinol (T.H.C.) could be*



detected in the dark brown solid substances contained in the two small plastic boxes marked '1' and '2' as described above."

and the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.12.2023.

6. The 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 petitioner carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances and mainly the facts that name of the petitioner transpired on the basis of the confessional statement of the co-accused person and FSL report confirms that the recovered contraband is not *Charas*, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court (NDPS), Bettiah, West Champaran / Successor Court, in connection with **Majhulia P.S. Case No. 246 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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