

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23678 of 2024

Arising Out of PS. Case No.-113 Year-2023 Thana- KHAGARIA RAIL P.S. District-
Khagaria

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Rupesh Kumar Son Of Ranvijay Singh Resident of Village- Khoska Kalyani,
Ward No. 03, Ps- Dehri, Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-04-2024 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

2. The petitioner seeks bail in connection with

Special Case No. 33 of 2023 arising out of Khagaria Rail

P.S. Case No.113 of 2023, registered for the offences

punishable under Sections 8(c), 21(b) of the Narcotic Drugs

and Psychotropic Substances Act.

3. As per allegation 12 gram of smack and a vivo

mobile phone has been recovered from the Petitioner.

4. Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that a very small quantity of



contraband has been recovered from the Petitioner.

5. He further submits that the petitioner has been languishing in jail since 30.10.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, particularly the small quantity of the contraband recovered, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-I-cum-Special Judge, N.D.P.S., Khagaria in connection with Special Case No. 33 of 2023 arising out of Khagaria Rail P.S. Case



No.113 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, Ld. court below shall cancel the bail bonds of the
petitioner.

(Jitendra Kumar, J)

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