

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23685 of 2024

Arising Out of PS. Case No.-17 Year-2015 Thana- KHAGARIA RAIL P.S. District- Khagaria

Keshav Kumar @ Kaju Son of Mahindra Singh @ Upendra Singh R/o Ward
No.21, Village- Ratanpur, P.S.- Begusarai (Ratanpur O.P.), District- Begusarai
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Advocate Mr. Prithish Kumar Lal, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

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. 03 of 2015 arising out of Rail Khagaria P.S. Case No.17 of 2015, registered for the offences punishable under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per allegation altogether 27 tablets of Alprazolam and 25 Ativan 2MG tablets have been recovered from two apprehended persons trying to flee away on platform no. 2 at Khagaria Station.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on account of non-appearance



of his counsel during the trial the bail bond was cancelled. However, the cancellation of bail bond and issuance of warrant or any process under Section 82 & 83 was not served upon him. He was unaware of such processes. He is a person belonging to poor strata and he works as a labourer in Calcutta.

5. He further submits that the petitioner has been languishing in jail since 15.12.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four other cases.

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, **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-Vth-cum-Special Judge Judge, NDPS Act, Khagaria in connection with Special Case No. 03 of 2015 arising out of Rail Khagaria P.S. Case No.17 of 2015 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 criminal antecedents other than the disclosed one, 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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