

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27345 of 2024

Arising Out of PS. Case No.-876 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Rahul Kumar @ Jay Prakash S/o Ram Pravesh Kumar Resident at B 32
P.C.Colony Kankarbagh PS Kankarbag Dist Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate
For the State : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with Ramkirshna Nagar P.S. Case No. 876 of 2023 dated 25.12.2023, registered for the offences punishable under Sections 8(c), 21 (C), 25 and 29 of NDPS Act.

3. As per the prosecution case, total 506 grams of smack has been recovered from the Fronx car bearing registration no. BR-01-HG-9897.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that he was neither arrested nor anything has been recovered from his possession. He further submits that the alleged motorcycle does not belong to the



petitioner and nothing has been recovered from the alleged motorcycle. The only materials against the petitioner is the statement of co-accused that the petitioner was also along with them but such statement of co-accused has no evidentiary value unless it is corroborated by other evidence. He further submits that petitioner has clean antecedent and he is 20 years young student of Graduation.

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

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

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

8. Considering the aforesaid facts and circumstances of the case, this application is allowed, directing the petitioner above named, to be enlarged on bail in the event of his arrest or surrender before Ld. trial court within a period of eight weeks from the date of receipt / production of a copy of this order, 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. Sessions Judge, Patna, in connection with



Ramkirshna Nagar P.S. Case No. 876 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

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

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

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