

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36772 of 2024

Arising Out of PS. Case No.-102 Year-2021 Thana- DANIYAWAN District- Patna

Rahul Kumar Son of Bam Yadav @ Jawahar Yadav R/O Vill.-/Mohalla- Near
Kisan College, Sohsarai, P.S.- Sohsarai, Dist.- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 18-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Daniyawar P.S. Case No. 102 of 2021 for the offence punishable under sections 22(b), 25, 29 of the NDPS Act lodged on 08.08.2021 by the informant, Santosh Kumar Paswan.

3. As per the prosecution story, the informant alleged that during the night patrolling, one Scorpio was intercepted and there is a recovery of black polythene below the seat of the car which contained eight bundles of brown sugar (each bundle containing 100 pieces paper pouch, totalling 400 gm). Further from Rohit Raj, there is a recovery of mobile phone which is also the case of Sanjeev Kumar, Rohit Kumar and Abhishek Kumar. Rohit Raj gave the name of the petitioner which led to his implication.



4. Learned counsel for the petitioner submits that Rohit Raj had enmity with the petitioner due to Mukhiya election and deliberately incorporated his name which resulted into his judicial custody since 02.04.2024 (para 13 of the petition). He however, concedes that the petitioner has excise cases registered against him.

5. Learned APP opposes the prayer for bail and submits that the name of the petitioner has come in the confessional statement of Rohit Raj.

6. Taking into account the fact that the alleged recovery is from a Scorpio vehicle, those present in it were arrested, one of the arrested persons has named this petitioner, who is in custody since 02.04.2024, this Court is inclined to extend petitioner the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge/Special Judge (NDPS), Patna, in connection with Daniyawar P.S. Case No. 102 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J.)

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