

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39113 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- MANJHAGARH District- Gopalganj

Dilip Kumar Prasad Son of Suryadev Prasad, Resident of Village - Belwa Bet,
Police Station - Kuchaikote, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Mili Kumari, Advocate

For the Opposite Party : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 26-10-2024 Heard Ms. Mili Kumari, the learned counsel for the

petitioner and Mr. Ram Sevak Choudhary, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Manjhagarh PS Case No. 10 of 2024, FIR dated

10.01.2024, registered for the offences punishable under

Sections 8(c), 21(c) and 22(c) of the N.D.P.S. Act.

3. According to the prosecution case, after receiving

confidential information that some persons are about to sale -

purchase intoxicants, the informant conducted raids near

Bhojwapur More and apprehended one person while two

persons managed to flee. It is further alleged that from the

possession of apprehended person 788 grams of smack like

substance was recovered.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it is evident that recovery has been made from the co-accused person namely, Arjun Chaurasiya and he has confessed the name of the petitioner. He further submits that due to village politics the name of the petitioner has falsely been implicated in the present case. He further submits that the FSL report reveals that:

“1. Caffeine was detected in the contents of paper pudiya marked ‘A’ as described above.

Caffeine is used as stimulant.

2. Caffeine and Acetaminophen were detected in the contents of paper pudiya marked ‘B’ as described above.

Caffeine is used as stimulant.

Acetaminophen commercially known as ‘PARACETAMOL’ which is used in treatment of fever.”

He further submits that in view of the FSL report, no case is made out under the N.D.P.S. Act.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that although recovery has been made from the other co-accused person, but he has named the petitioner. Apart from that, petitioner carries three cases and



out of three cases, one case pertains to N.D.P.S. matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Gopalganj, where the case is pending in connection with **Manjhagarh PS Case No. 10 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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