

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48457 of 2024

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

Dilip Chaurasiya Son of Ganesh Chaurasiya R/O Sareya, Ward no. 3, P.S.-
Gopalganj Nagar, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Supriya Kumari, Advocate

For the State : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-12-2024 Heard Ms. Supriya Kumari, learned counsel for the

petitioner and Mr. Mukesh Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Manjhagarh P.S. Case No. 10 of 2024, F.I.R. dated 10.01.2024 registered for the offences punishable under Sections 8(c)/21(c)/22(c) of the N.D.P.S. Act.

3. The case relates to recovery of 788.00 grams of *smack* in two plastic wrappers.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. She further



submits that it appears from the F.I.R. that altogether 788.00 grams contraband recovered from the possession of the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by co-accused person. She further submits that co-accused person namely, Dilip Kumar Prasad has been granted the privilege of anticipatory bail by this Court vide order dated 26.10.2024 passed in Cr. Misc. No. 39113 of 2024 on the basis that the FSL report reveals that recovered contraband is not under the purview of the NDPS Act and the 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”

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

5. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person and recovery has been made from co-accused person namely Arjun Chourasiya and co-accused person namely Dilip Kumar Prasad has been granted the privilege of anticipatory bail by this Court as well as in view of the FSL report, no case is made out under the N.D.P.S. Act, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj in connection with Manjhagarh P.S. Case No. 10 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below 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 court below 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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