

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50171 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- PHULWARIYA District- Gopalganj

Upendra Rai @ Upendra Ray, son of Raja Rai, Village- Kandhawariya,
Manjha, Ps- Phulwariya, Dist-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Fulwariya P.S. Case No.
169 of 2024 registered for the offence punishable under Sections
8A(C), 20(b)(ii)A and 21(a) of the N.D.P.S. Act.

3. The police on a tip of trading of narcotic substance,
conducted raid and apprehended the petitioner and two other co-
accused persons. On search from the possession of the
petitioner, 1.90 gram smack like substance in ten sachets, were
recovered.

4. There is total denial of the recovery from the
possession of the petitioner. Learned Advocate appearing on



behalf of the petitioner contended that in fact, at the time of alleged raid he was present alongwith other co-accused persons and, as such, recovery has been shown from his possession. Even if the allegation levelled in the FIR taken to be true for the sake of argument, the alleged recovery is of 1.90 gram, which is a small quantity and for which the maximum punishment is provided for one year. It is next contended that there is no strict compliance of Section 42 and 50 of the N.D.P.S. Act. Be that as it may, now the petitioner has been incarcerated since 15.05.2024, apart from his fair antecedent.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the quantity of the smack like substance and the period of custody as also the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge N.D.P.S., Gopalganj in connection with Fulwariya P.S. Case No. 169 of 2024, subject to the condition that one of the bailors will be the close relatives of



the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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