

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50363 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- KHAGARIA RAIL P.S. District- Khagaria

Brajesh Kumar, Son of Ram Pravesh Yadav @ Buchchi Yadav, Resident of
Village- Morkahi, Ward No 05, Police Station- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard Mr. Pratik, learned Advocate for the petitioner
and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Khagaria Rail P.S. Case No. 27 of 2024
[Special (N.D.P.S.) Case No. 09 of 2024] registered for the
offences punishable under Sections 8, 20(b)(ii)(B) of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The petitioner was allegedly found strolling at
Railway Station in suspicious condition; apprehended by the
Inspector-cum-Post Commander. On search, total 1.500 Kg
Ganja was recovered.

4. Learned Advocate for the petitioner submitted that
in fact, on the alleged date of occurrence nothing has been
recovered from the possession of the petitioner, however on



account of some altercation, which took place between the petitioner and the police personnel in course of ticket checking, the present F.I.R. has been instituted. There is no proper compliance of Sections 43 and 50 of the N.D.P.S. Act. It is also contended that the alleged recovered substance is though above the small quantity, but much below the commercial quantity and, as such, the rigors provided under Section 37 of the N.D.P.S. Act shall not be applicable. There is no independent witness to the seizure list, that apart charge-sheet has been submitted, but without the F.S.L. report is the contention of the learned Advocate for the petitioner. The petitioner is in custody since 20.03.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the quantity of the recovered substance, coupled with the fact that the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-III-cum-Special Judge N.D.P.S.,
Khagaria, in connection with Khagaria Rail P.S. Case No. 27 of
2024 [Special (N.D.P.S.) Case No. 09 of 2024], subject to the
condition that one of the bailors will be the close relatives of the
petitioner with the 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.

(Harish Kumar, J)

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