

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67979 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- BACHHWARA District- Begusarai

Raushan Kumar @ Rana @ Gandharwa Kumar Chaudhary Son of Late Ajay Chaudhary @ Ajay Kumar Chaudhary R/V-Village- Fatiha, PS- Bachchwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bachchwara P.S. Case No. 405 of 2023 dated 18.12.2023, instituted for the offence punishable under Sections 420, 467, 468 of the Indian Penal Code, Section 20(B) (ii) (c), 22, 29 of NDPS Act and Section 25(1-b)a, 26, 35 of Arms Act.

3. The allegation is of recovery of total 4 kg. *Ganga*, 2 pistols and cartridges from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that search and seizure list have not been prepared in compliance of Section 100



Cr.P.C. Search was not conducted in the presence of the gazetted officer which is violation of Section 50 of N.D.P.S. Act. Learned counsel for the petitioner submits that the recovered 4 kg *Ganja* is less than commercial quantity. It is submitted that from perusal of paragraph 44 of the Case Diary, it is evident that charge sheet has been submitted on 07.02.2024. No report of F.S.L. is available in the case diary. Learned counsel for the petitioner further submits that co-accused, namely, Saket Kumar, has been granted anticipatory bail *vide* order dated 21.08.2024 passed by this Court in Criminal Miscellaneous No. 50688 of 2024. Lastly, it has been submitted that the petitioner is in custody since 18.12.2023 having six criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, NDPS Act, Begusarai in connection with Bachchwara P.S. Case No. 405 of 2023, subject to following



conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

V. The petitioner shall appear before the Bachchwara Police Station every fortnight. If the petitioner fails to appear before the said police



station on two consecutive dates, the prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Khatim Reza, J)

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