

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63414 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- Basmatia District- Araria

Rupesh Kumar, Gender-Male, aged about 19 years, S/O Shiv Krishan Yadav
@ Shri Krishan Yadav, Resident of Village- Bela, Ward No. 08, P.S-
Basmatiya, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party : Mr. Dinesh Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 30-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Basmatia
P.S. Case No. 02 of 2024 dated 13.04.2024 registered for the
offences punishable under Sections 8(c), 21(b), 22 and 23 of the
N.D.P.S. Act.

3. As per the prosecution case, 45 gms., brown sugar
was recovered from the possession of the petitioner and 34
numbers of Injection Promethazine Hydrochloride each 25 mg
and 65 numbers of Injection without label were recovered from
the house of the petitioner.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that nothing incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged offence. The petitioner has been made accused in the present case only on the basis of suspicion. There is no compliance of Section 100 of the Cr.P.C. and Sections 42 and 43 of the N.D.P.S. Act. The seized contraband is below the commercial quantity. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 14.04.2024. Promethazine Hydrochloride is not narcotic drug.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria, in connection with Basmatia P.S. Case No. 02 of 2024 with further conditions:-

I. The petitioner is directed to remain physically present before the learned court



below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

II. If the petitioner is found involved in any other similar nature of case in future, the prosecution will have liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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