

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73683 of 2024

Arising Out of PS. Case No.-629 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Rupam Singh @ Chhotan Singh Son of Nandkishore Singh @ Mukul Singh
Resident of Village - Raghunathpur O.P., District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Turkauliya P.S. Case No. 629 of 2021 dated 11.08.2021 registered for the offences punishable under Sections 25(1-b)(a), 26 and 35 of Arms Act and Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act.

3. As per the prosecution case, one country-made pistol with two live cartridges and 1.972 Kg of Charas were recovered from the house of the petitioner during the course of raid.

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



this case. Nothing has been recovered from the conscious possession of the petitioner. The seizure list has been prepared before the lodging of the FIR. Learned counsel has further submitted that the house from which the seized articles were recovered does not belong to the petitioner. The petitioner has no concern with the alleged recovery. The trial Court is sent the FSL report vide letter dated 23.02.2023, in the said FSL report from Regional Forensic Science Laboratory Bihar, Muzaffarpur, the seized contraband is Charas but according to the Central Forensic Science Laboratory, Chandigarh, the EXH-1 under reference is not the sample of Charas (Cannabis), however on further analysis for its characterization & identification; nicotine present in tobacco leaves has been detected in the vegetative material of the EXH-1 is a sample of Tobacco. There is discrepancy found between both the reports. The petitioner has seven criminal antecedents in which he is acquitted in three cases as stated in para 3 of the bail petition. The petitioner is in custody since 12.08.2021.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the prayer for grant of regular bail has been rejected twice by this Court vide order dated 10.10.2022 passed in Cr. Misc. No. 10561 of 2022 and



vide order dated 15.09.2023 passed in Cr. Misc. No. 51068 of 2023. The seized contraband is of commercial quantity.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned 1st Additional Session Judge-cum-Special Judge, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 629 of 2021, with the following 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 are liable to be cancelled.

(ii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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