

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84466 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- CHIRAIYA District- East Champaran

Rajesh Rai @ Rajesh Kumar, S/O Ram Ayodhya Rai, Village -Motnaje, P.S.-
Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Chiraiya P.S. Case No. 228/2023 , lodged on 17.05.2023 under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act and Sections 8, 20(b)(ii) (c) of the Narcotic Drugs And Psychotropic Substances, Act, 1985.

3. As per prosecution, the FIR has been lodged against 7 named accused persons, including the petitioner. Out of seven, three were apprehended by the police in course of raid whereas rest fled away.

4. Learned counsel for the petitioner submits that the petitioner was not apprehended from the place of occurrence, rather his name has surfaced in the present case by virtue of



confessional statement of co-accused person. He further submits that it is true that the recovery of NDPS material has been made, but the said recovery has not been made from the possession of the petitioner rather it has been made from the possession of co-accused, namely, Vickky Tiwary. The petitioner is in custody since 26.07.2023 and is accused in 10 more criminal cases, but out of 10 criminal cases, he has been granted bail in 8 cases.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean. Apart from the present case, he is accused in 10 more criminal cases.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed in this case or not, learned counsel for the petitioner submits that as per his knowledge, the charge has not been framed in this case.

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Chiraiya P.S. Case No. 228/2023, pending before the learned CJM, Motihari, East Champaran, is hereby rejected.



9. However, the petitioner would be at liberty to
renew his prayer for bail after framing of charge.

10. With this observation, the bail application stands
disposed of.

(Dr. Anshuman, J)

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