

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4835 of 2025

Arising out of PS. Case No.-585 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Dipak Rai, S/o Late Sitaram Rai, R/o Village- Daulatganj, P.S.- Bhagwan
Bazar, District- Saran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s: Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 29-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Chapra Mufassil P.S. Case No. 585 of 2024 dated 27.09.2024 instituted for the offences under Sections 21(b) and 22 of NDPS Act. He has eight criminal antecedents.

3. The prosecution case is to the effect that on a tip off that the sale and purchase of narcotic substance was taking place, one person was apprehended who disclosed his name as Dipak Rai (Petitioner) and on search thirty sachet of smack like substance weighing around 23.40 Grams besides a cash of Rs. 2,060/- was recovered from the possession of the said apprehended person.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely be-



cause he carries antecedents. It is further submitted by learned counsel for the petitioner that even taking into account the weight of the recovered substance, though the FSL Report has not yet been received to confirm its identity, the amount recovered is less than the commercial quantity. It is also submitted that the requirement of Section 37 of NDPS Act is not attracted. It is lastly submitted that without any FSL Report the charge-sheet has already been submitted and the petitioner is in custody since 28.09.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the recovered article is less than the commercial quantity and the petitioner is in custody since 28.09.2024, the petitioner above named, is directed to be released on bail furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Puneet Kumar Garg, learned Sessions Judge, Saran at Chapra (or his successor) in connection with Chapra Mufassil P.S. Case No. 585 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a



close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except eight cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except eight cases, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

Vikash/-

U		T	
---	--	---	--

