

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7368 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- GWALPARA District- Madhepura

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Rakesh Raj Son of Late Shiv Narayan Yadav Resident of village -
Babhangamaa Ward No.- 3, P.S.- Gawalpda (Arrar O.P.), District -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 23-06-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c) and 21(b) of N.D.P.S.
Act. Petitioner has clean antecedent.

3. The prosecution case is to the effect that the
informant recorded his self-statement stating therein that he
received secret information that Rakesh Raj (petitioner) was
dealing with business of smack. On such information, a raid was
conducted and one person was apprehended who disclosed his
name as Rakesh Raj and on search, a bag was recovered in
which total 100.35 gram of heroin like substance was recovered



and cash amount of Rs. 28,250/- was also recovered along with one electronic weightage machine.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the so-called recovery was not made from the conscious physical possession of the petitioner. It has further been submitted that the house in which the petitioner resides is a joint property and he has falsely been implicated in this case despite the fact that the recovery was not made from his conscious possession. It has next submitted that the quantity though is higher than the small quantity, however, it is less than the commercial quantity. It has also been submitted that the charge-sheet has already been submitted, however, there is no FSL report on record which is in contravention of the directions of the Hon'ble Supreme Court. It has lastly been submitted that the petitioner carries clean antecedent and he is in custody since 22.10.2024

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioner was found along with heroin which was higher than the small quantity and as such the petitioner does not deserve the liberty of bail.

6. Considering the aforesaid facts and circumstances



of the case and also taking into account the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gawalpada (Arrar) P.S. Case No. 215 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(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 cancelled by the court concerned.

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

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, 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 or in
the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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