

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13021 of 2025

Arising Out of PS. Case No.-301 Year-2024 Thana- SAHPUR District- Patna

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Rajan Rai @ Rajan Kumar Son of Anesh Ray @ L.P. Rai Resident of Village
- Mubarakpur, Krishi Farm, Thakurnagar, Mobarakpur, P.S. - Shahpur,
District - Patna, Bihar, 801503 Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Sinha, Advocate
Mr. Shashwat Srivastava, Advocate
For the State : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 301 of 2024 for the offence registered under Sections 8(c) and 21(a) of the Narcotics Drugs Psychotropic Substance Act lodged on 10.09.2024 by the informant Ashish Kumar .

3. As per prosecution story, the informant alleged that upon secret information about sale/purchase of smack, the police reached near *kabristan*. Some accused tried to escape but apprehended. They were Lakshmi Kumari, Jitu Prasad and Jogendra Rai. Upon search, there is recovery/seizure of 4.41 grams smack (3.07 grams with paper). They informed that it has been purchased from this petitioner which they sell everyday for their business. This led to the FIR.



4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from the named accused, he was having inimical terms with those people as the loan amount was not returned, in the process, named as the person who provides them the smack. The petitioner do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail and submits that the petitioner has been named by the accused who were apprehended by the police.

6. Considering the aforesaid facts as also the recovery/seizure is from the named accused, this petitioner has no criminal antecedent, his name has cropped up on the confession of the accused persons before the police, the FIR lodged, he shall be facing the trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Court No.1, NDPS Act, Patna in connection with Shahpur P.S. Case No. 301 of 2024 subject to condition as laid down under Section 438 (2) of the Cr.P.C.



(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show is *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. If it is found that contrary to the submissions made before the Court, if the petitioner has criminal antecedent, the order shall become infructuous.

(Rajiv Roy, J)

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