

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17222 of 2025

Arising Out of PS. Case No.-893 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Rahul Kumar S/O Manoj Ram @ Manoj Kumar Ram R/O Vill.- Khairi, P.S.-
Tetarhar, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 893 of 2023 registered on 19.11.2023 for the alleged offences under Sections 8(C) and 21(a) of the N.D.P.S. Act.

3. This is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by a Co-ordinate Bench of this Court vide order dated 23.08.2024 passed in Cr. Misc. No. 21899 of 2024.

4. As per prosecution case, petitioner and co-accused were apprehended by the police on a tip off about carrying brown sugar. From the pocket of the petitioner, six sachets of brown sugar was recovered. No recovery was made from co-



accused Shakti Kumar. The petitioner disclosed that he was handed over the sachets of brown sugar by one Kuwarjit for handing it over to some other person.

5. Learned counsel for the petitioner submits that after framing of charge, no witness has been examined in this case till date and there is no likelihood of concluding the trial in near future. The petitioner is in custody since 10.11.2023. Learned counsel further submits that search of the petitioner was made in violation of mandatory provision of Section 50 of the NDPS Act. The seizure list was prepared also in contravention of the provision of NDPS Act. There is no compliance of Section 100 of Cr.P.C. Learned counsel further submits that surprisingly nowhere the weight of the seized contraband has been mentioned and from the averments made in the written statement of the police leading to registration of FIR, it appears that it was small *puriya* and the weight must have been less than the small quantity. Petitioner is having clean antecedent.

6. Learned APP opposes the prayer for bail submitting that no new ground has come for consideration of the prayer of bail.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that none of the witnesses have been examined in this case



and further considering omission on part of police to mention the weight of seized contraband and further considering the period of custody of the petitioner coupled with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Lakhisarai/concerned court in connection with Lakhisarai (Kabaiya) P.S. Case No. 893 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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