

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23052 of 2025

Arising out of PS. Case No.-227 Year-2024 Thana- SARSI District- Purnia

Rupesh Mehta @ Rupesh Kumar Mehta, S/o Ram Sewak Mehta, Resident of
Bhasuria, P.S.- Sarsi, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate Miss Kajal Kumari, Advocate
For the Opposite Party/s:		Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Sarsi P.S. Case No. 227 of 2024, registered for the offences punishable under Sections 8(c), 21(b) of NDPS Act. He has two criminal antecedents, i.e., (i) Champanagar P.S. Case No. 121/2024 under Section 3(c), 21(1) of NDPS Act and (ii) Sarsai P.S. Case No. 36 of 2023 under Section 8(c), 21 (1) of NDPS Act.

3. The prosecution case is to the effect that the informant Chandra Kishor Singh, PSI of Sarsi P.S. for verification of *Sanha* reached the place of occurrence and the police party found two persons fleeing away from the said place who were



chased and apprehended and they disclosed their names as Lalan Mehta and Suresh Mehta and on search 50.37 grams of contraband substance was recovered from Lalan Mehta and 31.04 grams of contraband substance was recovered from Suresh Mehta. The two apprehended persons disclosed that they had purchased the contraband substance from one Rupesh Mehta (Petitioner).

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case only because he carries two criminal antecedents in which he has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 24.05.2023 passed in Cr. Misc. No. 28666 of 2023 and also *vide* order dated 01.05.2025 passed in Cr. Misc. No. 23349 of 2025. Learned counsel for the petitioner further submits that no incriminating article has been recovered from the conscious possession of the petitioner and it is only on the statement of the apprehended co-accused persons the name of the petitioner has surfaced.

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

6. Considering the aforesaid facts and circumstances of the case and submission made by learned counsel for the re-



spective parties and taking into account the fact that no incriminating article or contraband substance has been recovered from the conscious possession of the petitioner and it was merely on the statement of the apprehended co-accused person his name has surfaced and taking into fact that the petitioner is in custody since 08.01.2025, 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 court of learned 3rd Additional Sessions Judge, Purnea, in connection with Sarsi P.S. Case No. 227 of 2024, subject to 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 the prosecution is found the petitioner's involvement in similar nature of allegation after his release and 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) And further condition that the court below shall verify the above-mentioned two criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent except these two 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)

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