

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22824 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- JOGBANI District- Araria

Bhag Chand Chaudhary, aged about 44 years, Male, S/o Suwa Lal Jat @ Suwalal, R/o Village- Rammaliya, Tahsil- Bhinayt Tantoli, District- Ajmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
Mr. Dheeraj Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Jogbani PS Case No.08 of 2025 dated 12.01.2025, instituted for the offence punishable under Sections 168, 186 (1)(b) of the *Bharatiya Nyaya Sanhita*, 2023 and Section 18(c), 21 and 22 of the NDPS Act.

3. The prosecution case, in brief, is that when the informant and others, who were personnel of *Shashtra Seema Bal*, were on duty the petitioner was handed over by the police personnel of Nepal and he was in army dress. On interrogation, he disclosed his name as Bhag Chand Chaudhary. He also produced fake identity card of the Army. From his possession,



320 grams of opium extract, two army dresses, one cap, Aadhar card, Mobile, Rubber Stamp as well as voter card were recovered.

4. Learned counsel for the petitioner submits that police has made search and seizure of the contraband without complying Section 50 of the NDPS Act and the petitioner was not given any opportunity of search and seizure before any independent person. Further submission is that the quantity of the alleged recovered contraband (opium extract) is 320 grams which is more than small quantity but less than commercial quantity. Lastly, it is submitted that the petitioner is in custody since 12.01.2025 having clean antecedents and charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the In-Charge Special Judge, NDPS, Araria, in Jogbani PS Case No.08 of 2025, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife and another bailor shall be local having sufficient sureties since the petitioner is the resident of Rajasthan State, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. As the petitioner is the resident of Ajmer, Rajasthan, the Court below before releasing the petitioner on bail shall verify the criminal antecedents of the petitioner from the Sr. Superintendent of Police/Superintendent of Police, Ajmer, through the local Investigating Agency and if it is found that the petitioner is having antecedents of similar nature, he shall not be released on bail and this order shall be treated as stands rejected.



7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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