

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50853 of 2024

Arising Out of PS. Case No.-325 Year-2020 Thana- CHAKIA District- East Champaran

Rupesh Kumar @ Rupesh Sharma @ Bhola Son of Late Nagendra Thakur,
R/o Village- Pahsaul, PS- Katra, Dist- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Punam Shrivastava, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 09-05-2025 Heard learned counsel for the petitioner and
learned counsel for the State.

2. Petitioner seeks regular bail in connection with NDPS Case No. 15 of 2021, CIS No. 15 of 2021, arising out of Chakia (East Champaran) P.S. Case No. 325 of 2020, FIR dated 19.09.2020, registered for the offences punishable under Sections 20, 22 and 24 of the NDPS Act.

3. Earlier the petitioner has moved before this Court in Cr. Misc. No. 71347 of 2023, which was rejected vide order dated 07.11.2023.

4. According to the prosecution case, 26.434 kg of *charas* was recovered from the dickey of Maruti Suzuki Swift Dezire car.

5. Learned counsel for the petitioner submits that



petitioner has has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from Swift Dezire car and petitioner is neither the owner the said car nor he has any concern with the alleged recovery. He further submits that petitioner was not arrested from the spot and his name transpired on the basis of confessional statement of the co-accused person namely, Vijay Banshi Prasad, who was arrested from the spot. He further submits that only charges have been framed as yet in the learned trial Court. He lastly submits that petitioner is in custody since 30.06.2021.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent of similar nature other than the present one.

7. Considering the aforesaid facts and circumstances and mainly the delay in the trial this application for regular bail is allowed.

8. Accordingly, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to



the satisfaction of the learned Exclusive Special Judge-I, NDPS Act, East Champaran, Motihari, in connection with **NDPS Case No. 15 of 2021, CIS No. 15 of 2021, arising out of Chakia (East Champaran) P.S. Case No. 325 of 2020**, subject to the following conditions:

(i) The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial and non-cooperation in the trial shall result in cancellation of the bail bonds of the petitioner.

(ii) He will not delay the trial.

(iii) The petitioner will mark his attendance at the Katra Police Station every Sunday. Any default in appearance at the Police Station would result in cancellation of bail bonds of the petitioner.

(iv) One of the bailors should be a close blood relative of the petitioner.

9. This application for regular bail stands allowed.

(Sandeep Kumar, J)

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