

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86200 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- MANJHAGARH District- Gopalganj

Arjun Chaurasia S/o Igransan Kumar Resident of Village Barai Tola, Ward
No. 3, Police Station - Gopalganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Advocate Ms. Riya Giri, Advocate Mr. Sumit Kumar Jha, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-03-2025 Heard Mr. Ashish Giri, learned senior counsel for

the petitioner and learned Additional Public Prosecutor for the

State.

2. Petitioner seeks bail who is in custody since
11.01.2024 in connection with Manjhagarh P.S. Case No. 10 of
2024, F.I.R. dated 10.01.2024 for the offences punishable under
Sections 8(c), 21(c) and 22(c) of the N.D.P.S. Act, 1985.

3. Recovery is of 788 gm of Smack wrapped in two
plastic.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not



committed any offences as alleged in the F.I.R. He further submits that the co-accused, namely, Dilip Kumar Prasad has filed Cr. Misc. No. 39113 of 2024 in which the Court has been pleased to called for F.S.L. report which reveals that :

“1. Caffeine was detected in the contents of paper pudiya marked ‘A’ as described above.

Caffeine is used as stimulant.

2. Caffeine and Acetaminophen were detected in the contents of paper pudiya marked ‘B’ as described above.

Caffeine is used as stimulant.

Acetaminophen commercially known as ‘PARACETAMOL’ which is used in treatment of fever.”

5. Learned counsel for the petitioner submits that in view of the above F.S.L. report, no case is made out under the N.D.P.S. Act. He further submits that the similiary situated co-accused, Dilip Kumar Prasad has been granted anticipatory bail by this Court vide order dated 26.10.2024 passed in Cr. Misc. No. 39113 of 2024. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.01.2024.

6. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four criminal antecedents out



of which 3 cases pertain to N.D.P.S. Act but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the four cases.

7. Considering the aforesaid facts and circumstances that the F.S.L. report does not support the case of the prosecution, co-accused person has been granted anticipatory bail by this Court as well as period of custody, 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 learned District Judge, Gopalganj in connection with Manjhagarh P.S. Case No. 10 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, 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 or in the name of verification.

(Rajesh Kumar Verma, J)

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