

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55287 of 2023**

Arising Out of PS. Case No.-167 Year-2022 Thana- PATNA CITY CHOWK District- Patna

ROHIT KUMAR @ GOLU SON OF AMARNATH YADAV RESIDENT OF
KATHOTIYA GALI, P.S. - CHOWK, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.
For the Opposite Party/s : Mr.Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special
(N.D.P.S.) Case No. 70 of 2022 arising out of Chowk P.S. Case no.
167 of 2022 registered for the offence under Sections 25(1-B)a,
26 and 35 of the Indian Penal Code and Section 80(c) and 21(b)
of the N.D.P.S. Act.

Recovery is of one country made pistol along with two
cartridges and 36 puriya of smack in total weight with paper
25.950 gram and without paper 6.010 gram.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has been
apprehended in connection with Chowk P.S. Case No. 149 of 2022



in which he has disclosed that some contraband and arms are being hidden near the Piple tree and in the basis of statement of the petitioner, one country made pistol along two cartridges and 36 puriya of smack in total weight with paper 25.950 gram and without paper 6.010 gram have been recovered. Learned counsel for the petitioner further submits that the nothing incriminating has been recovered from the possession of the petitioner rather the police has planted the seizure and shown its recovery on the confession of the petitioner. He further submits that there is non-compliance of Section 50 N.D.P.S. Act. He further submits that the alleged recovery of smack is much less than the commercial quantity. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 26.05.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries altogether six more cases, including one pertaining to N.D.P.S. Act, other than the present one but he fairly submits on the basis of paragraph-3 of the petition that he has been allowed bail in four cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional District & Sessions Judge-IV, Patna in connection with Special (N.D.P.S.) Case No. 70 of 2022 arising out of Chowk P.S. Case No. 167 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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