

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16145 of 2019**

Arising Out of PS. Case No.-690 Year-2018 Thana- PATRAKARNAGAR District- Patna

BITTU KUMAR Son of Soti Prasad Resident of Malahi Pakari ( Behind  
Ishan School), P.S- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      29-03-2019                      Heard the learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks regular bail in connection with  
Patrakar Nagar P.S. Case No. 690 of 2018 for the offences  
punishable under Sections 272, 273, 308 of the Indian Penal  
Code and Sections 20/22/24 of N.D.P.S. Act, 1985.

The allegation is regarding the police having got  
information that some miscreants were preparing to commit  
crime and thereafter the police had conducted a raid at the place  
of occurrence and caught eight persons and as far as the  
petitioner is concerned, 15 sachets containing one gram each of  
brown sugar was recovered.

The learned counsel for the petitioner submits that as  
per the schedule of N.D.P.S. Act, 1985, the commercial quantity



of Heroin is 250 grams, hence, the alleged recovery of brown sugar from the petitioner is well below the commercial quantity prescribed in the schedule, hence, the privilege of bail be granted to the petitioner. It is further submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent and is languishing in custody since 23.11.2018. Lastly, it is submitted that similarly situated other accused persons have been granted bail by orders dated 5.3.2019 and 7.3.2019 passed in Cr. Misc. No. 12553 of 2019 and 9205 of 2019.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge cum Spl. Judge N.D.P.S. Act, Patna in connection with Spl. Case No. 135 of 2018 arising out of Patrakar Nagar P.S. Case No. 690 of 2018.

**(Mohit Kumar Shah, J)**

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