

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12310 of 2019

Arising Out of PS. Case No.-723 Year-2018 Thana- PATRAKARNAGAR District- Patna

Ayush Kumar, aged about 22 years, Male, Son of Manoj Kumar, Resident of Village- Jalalpur, P.S.- Dhanarua, District- Patna, at present resident of R.M.S. Colony, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

Mr. Nilesh Kumar

Mrs. Babita Kumari

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 05.12.2018 in a case registered for the offences punishable under Sections 20, 22 and 24 of the Narcotic Drugs and Psychotropic Substance Act.

The prosecution case is that the police received a secret information that some miscreants are preparing to commit a crime, whereupon a raid was laid and from possession of the



petitioner, 18 grams of Brown Sugar was recovered.

It is submitted by learned counsel for the petitioner that the quantity has been recorded on the basis of speculation as in most of the police stations, the weighing equipment for weighing such a small quantity is not available. Moreover, the said recovery is between a small and commercial quantity. It is further submitted that similarly situated co-accused Krity Kumar@ Kirti Kumar @ Krity Subham has been granted bail by a Co-ordinate Bench of this Court vide order dated 19.02.2019 passed in Cr. Misc. No.9995 of 2019 A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that recovery of 18 grams of Brown Sugar has been made from the conscious physical possession of the petitioner.

Considering the fact that the recovery has been made between small and commercial quantity, where embargo under Section 37 of the NDPS Act does not apply coupled with the fact that investigation is on the verge of completion, let the above named petitioner be released on bail on 6th of March, 2019, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned **CJM, Patna** in connection with **Patrakar Nagar P.S.**
Case No.723 of 2018 (Special Case No.139 of 2018).

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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