

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26171 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- KISHANGANJ District- Kishanganj

SURAJ KUMAR SHARMA, aged about 19 years, Male, Son of Raj Kumar Sharma @ Manglu, Resident of Village-Dharamganj (Shiv Mandir), P.S-Kishanganj, District-Kishanganj ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Amal Kumar Sinha, Adv.
For the Opposite Party : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-05-2019 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 10.03.2019 in connection with Special Case No. 9 of 2019 arising out of Kishanganj P.S. Case No. 129 of 2019 for the offences alleged under Sections 17, 22, 27, 27(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some persons are selling smack, the police reached the place and apprehended the petitioner along with co-accused, Harsh Sharma. On search, from the possession of the petitioner one puria, i.e., 0.130 gram of smack was recovered. The petitioner named one co-accused, Prashant Sahni, from whom he had purchased the said smack who was also apprehended with 11.590 gram of smack.



Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the petitioner is a victim of circumstance and high handedness of police and undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail, **on completion of investigation**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No. 9 of 2019 arising out of Kishanganj P.S. Case No. 129 of 2019 to the satisfaction of the learned Sessions Judge-cum-Special Judge (NDPS Act), Kishanganj, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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