

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19100 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- Buddhacolony District- Patna

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Ayush Kumar Son of Jitendra Kumar Singh, resident of village + P.S.-
Madanpur, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party : Mr. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-05-2020 Heard Mr. Sumeet Kumar Singh, learned counsel for

the petitioner and Mr. Matloob Rab, learned counsel for the

State via video conferencing.

The petitioner seeks bail in connection with Buddha
Colony P. S. Case No. 23 of 2020 corresponding to Special Case
No. 20 of 2020 registered under Sections 21(a), 21(b), 25 and 29
of the Narcotic Drugs and Psychotropic Substances Act.

It is contended by the learned counsel for the
petitioner that the petitioner has been made a victim of
circumstances. There is no recovery of any incriminating article
from his possession. He was arrested merely because there was



recovery of 11 grams of smack from the possession of co-accused Rocky Yadav. He is a 19 year old student, who was preparing for NEET and had gone to Kota and is now trying to pursue his career and by getting admission to any technical institute. He being a friend of another student, namely, Sanny, who was called by one Harsh, had gone with Sanny to the house of Harsh where the police reached and arrested him and three others and recovered the contraband smack from the possession of co-accused Rocky Yadav. He contended that the petitioner is having no criminal antecedent and was having no knowledge that co-accused Rocky Yadav was possessing any contraband.

Per contra, Mr. Matloob Rab, learned counsel appearing for the State submitted that the allegation against the petitioner and co-accused Sanny and Harsh is that they were facilitating sale and purchase of smack which was being done by co-accused Rocky Yadav from whose possession 11 grams of smack was recovered.

Regard being had to the facts and circumstances of the case, since the petitioner having no criminal antecedent is in custody with effect from 22.01.2020 and neither any narcotic drug nor any psychotropic substance was recovered from his possession, he is directed to be released on bail furnishing bail



bond of Rs.25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Patna in connection with Buddha Colony P. S. Case No. 23 of 2020 corresponding to Special Case No. 20 of 2020 subject to condition that one of the bailors must be a close relative.

(Ashwani Kumar Singh, J)

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