

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23005 of 2020

Arising Out of PS. Case No.-858 Year-2019 Thana- ALAMGANJ District- Patna

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Santosh Kumar Prasad @ Santosh Prasad @ Santosh Kumar, aged about 31 years (Male) Son of Jagdish Prasad, resident of Mohalla- Bajrangpuri, Police Station - Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mrs. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 13-11-2020 Heard Mr. Sunil Kumar Singh, learned counsel for the petitioner and Mrs. Madhuri Lata, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Spl. Case No. 162 of 2019 arising out of Alamganj P.S. Case No. 858 of 2019 registered for the offence under Section 20 / 22 of the N.D.P.S. Act.

The allegation as per the First Information Report is that 13 sachet (podiya) having total quantity of 13 grams of Smack has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and procedure for search and seizure as mentioned under



Section 42 and 50 of the N.D.P.S. Act has not been followed. Learned counsel further submits that petitioner has got no criminal antecedent and there is no likelihood that the petitioner will commit the same offence while on bail. Learned counsel further submits that the quantity of allegedly recovered Smack from the petitioner is slightly more than the small quantity and lesser than the commercial quantity. Learned counsel next submits that petitioner is in custody since 16.11.2019.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the period of custody and the fact that the petitioner has got no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge - XXII, Patna / court concerned in connection with Spl. Case No. 162 of 2019 arising out of Alamganj P.S. Case No. 858 of 2019 subject to the following condition:-

***(i) that the petitioner shall not commit
the offence similar to the offence of which he***



is an accused.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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