

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13234 of 2021

Arising Out of PS. Case No.-313 Year-2020 Thana- KUDHNI District- Muzaffarpur

CHANDAN KUMAR Son of Mr. Ram Kumar Rai Resident of Village- Turki,
P.S.- Kudhani, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Ms. Babita Kumari, Adv.
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 21-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State who has assisted the Court with reference to the case diary.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Kudhani PS Case No. 313 of 2020, registered under Section 414 of the Indian Penal Code and Section 8, 20, 22 of the NDPS Act.



Petitioner is said to be wanted in another case, has been apprehended by the police. There is alleged recovery of a motorcycle from the *Verandah* of the petitioner and 400gm *Charas* like substance.

Learned counsel for the petitioner submits that the motorcycle stands registered in the name of petitioner. Photocopy of the certificate of the registration has been enclosed (Annexure-2). As regards *Charas*, it is submitted that allegation is false. The recovered substance is more than small quantity, and much less than commercial quantity under the schedule of the Act. Prior to the instant case, there is no case against the petitioner under NDPS Act. Petitioner has three cases since before under other Sections. Petitioner is in custody since 01.06.2020.

Learned APP has opposed the prayer for bail. It is submitted with reference to the case diary that there is recovery of motorcycle, and 400gm *Charas* like substance from the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing



bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS, Muzaffarpur, in Kudhani PS Case No. 313 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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