

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13747 of 2021**

Arising Out of PS. Case No.-731 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Kisan Patel @ Krishna Patel, Son of Late Madan Singh, Resident of Village-
Akhleshpur, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 09-09-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No.44 of 2020 arising out of Bhabua P.S. Case
No.731 of 2020 registered for the offence punishable under
Section 8/21(b)/27(A) of N.D.P.S. Act.

The police have reached the petitioner's chamber
on secret information regarding assembly of some persons for



consuming and selling smack. From the petitioner's possession, there is alleged recovery of 5.5 grams of smack, in 11 small sachets. Match-box etc. have also been recovered.

It is submitted by the petitioner's counsel that recovery as per allegation is slightly more than the small quantity (5 Grams). The variance is insignificant since the weighing has been done along with the sachets, in which it has been kept. It is the first offence of the petitioner. Person, who has been arrested at the spot, namely, Mukesh Singh, has been allowed bail in Cr.Misc. No.30118 of 2021, vide order dated 12.08.2021. Petitioner is in custody since 13.11.2020.

Learned APP for the State has opposed the prayer for bail. He has submitted that the recovery is more than the small quantity and all accused persons have been arrested from the petitioner's chamber.

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 bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned court of Sessions Judge cum Special Judge, Kaimur at Bhabua, in connection with N.D.P.S. Case No.44 of 2020 arising out of Bhabua P.S. Case No.731 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.

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

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

