

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14781 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- DUMRAO District- Buxar

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KRISHNA KUMAR @ KRISHNAJI S/o Shri Ram Lakhan Ram Resident of
Village- Dumraon, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 20-09-2021 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 learned

APP for the State.

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 connection with Dumraon P.S.

Case No. 236 of 2020 registered under Section 20(ii), 22, 25 of

the N.D.P.S. Act, 1985.

There is alleged recovery of total 17.25 gms Heroin



from the petitioner's property. As per the prosecution case, there is a tea stall upfront and behind the tea stall the petitioner's house is located.

The petitioner's counsel submits that recovery is much less than the commercial quantity (250 gms). Even as per the prosecution case, recovery is not from his personal possession. The fact, there is a commercial establishment accessible to one and all, is also evident from the FIR itself. Therefore, the liability for the recovery cannot be fixed on the petitioner. He has one criminal antecedent as per disclosure made in petition and he is in custody since 5.7.2020.

The learned APP submits that as per allegations the petitioner was indulging in the sell of the recovered articles.

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 Additional and Sessions Judge V-cum-Special Judge, N.D.P.S., Buxar in Dumraon P.S. Case No. 236 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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