

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17282 of 2021

Arising Out of PS. Case No.-419 Year-2020 Thana- PHULWARISHARIF District- Patna

Mahavir Kumar aged about 27 years, Male, Son of Sri Rajkumar Mahto R/o
Kedarnath Gali, P.S.- Phulwarishariff, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Anant Kumar A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Phulwari Sharif P.S. Case No. 419 of 2020 / Special Case No. 110 of 2020, registered for the offence under Section 20/22 of the N.D.P.S. Act.

As per the prosecution case, 10 gm. Brown sugar was recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that the alleged recovery is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. would not be attracted against the petitioner. Mandatory provision with regard to search and seizure has not been followed. There is no allegation of tampering with the evidence. Petitioner claims clean antecedent and he is in custody since 02.08.2020.



Learned A.P.P. for the State has opposed the bail petition.

Considering the period of custody and clean antecedent of the petitioner as well as the alleged quantity of the recovered brown sugar, the bail petition of petitioner is allowed. Let the above named petitioner 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 Special Judge, NDPS Act, Patna in connection with Special Case No. 110 of 2020, arising out of Phulwari Sharif P.S. Case No. 419 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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