

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17167 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- GAIGHAT District- Muzaffarpur

BITTOO KUMAR @ BITHLA @ BITALA Son of Ram Kishore Rai
Resident of Village - Basauli Tole Molmamma, P.S.- Kudhani, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar
For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 08-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 414/34 of the Indian Penal Code and sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 250 grams of Charas and one motorcycle were recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. More so, alleged narcotic substance was less than the commercial quantity. Mandatory



provision regarding search and seizure has not been followed. Rigours of section 37 of the NDPS Act would not be attracted against the petitioner who is in custody since 13.5.2020. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 37525 of 2020. Charge sheet has already been submitted.

Considering the rival submissions of the parties, materials available on the record and the fact that the alleged recovery is less than the commercial quantity, 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 the Additional Sessions Judge VIII cum Special Judge, N.D.P.S.Act, Muzaffarpur in Gaighat (NDPS Case No. 32/2020) Police Station Case No. 118/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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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