

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17958 of 2021**

Arising Out of PS. Case No.-547 Year-2020 Thana- PHULWARISHARIF District- Patna

RINKU KUMAR Son of Pappu Singh Resident of Village- Bhabhanpura,
P.S.- Phulwarisharif, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Narcotics Control Bureau, Patna Through its intelligence Officer Union of India. Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate.
For the Opposite Party/s : Mr. Satyanand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Satyanand Shukla, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special (NDPS) Case No. 148 of 2020 arising out of Phulwarisharif P.S. Case No. 547 of 2020 registered for the offences punishable under Sections 20, 22 of NDPS Act.

Learned counsel for the petitioner submits that as per the prosecution story, five grams of brown sugar were seized from the pocket of the petitioner.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is submitted that the allegedly seized brown sugar is less than the small quantity. The petitioner is in custody since 8.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted on behalf of the petitioner that five grams of brown sugar allegedly seized from the possession of the petitioner is less than the small quantity, the police has not followed the procedure prescribed under the provisions of the NDPS Act while preparing the seizure list and the same has been done in absence of the gazetted officer, the petitioner has no criminal antecedent and he has remained in custody in connection with this case since 8.10.2020, investigation against him is complete but the trial is not likely to be take place in near future, in these circumstances this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XXIV, Patna in connection with Special (NDPS) case No. 148 of 2020 arising out of Phulwarisharif P.S. Case No. 547 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

