

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25504 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Sunil Kumar, Son of Amarnath Thakur, Resident of Mohalla- Imambari, P.S. Laheriasarai, District- Darbhanga, at present residing at Mohalla- Ismailganj, P.S.- Laherisarai, Dist. Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Suman Kumar Singh, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Amit Kumar Rakesh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Special Case No. 04 of 2021 arising out of Laheriasarai P.S. Case No. 34 of 2021 registered for the offence punishable under Section 25 (1-b)a/26/35 of the Arms Act and 20/22 of the Narcotic Drugs and Psychotropic Substance Act (in short 'N.D.P.S. Act'). He is in custody since 15.01.2021. Petitioner has got one criminal antecedent in which he is on bail.

As per First Information Report, the petitioner and co-



accused were arrested by Police and from the search of the person of this petitioner one country made pistol with two live cartridges and Pentazocine injection IP 30 mg., Tazowin three bottles and Alprazolam 21 tablets were seized.

Learned counsel for the petitioner submits that considering that the petitioner is in custody for more than eight months and the alleged quantity of psychotropic substance seized from the possession of the petitioner is less than the commercial quantity and the rigours of Section 37 of the N.D.P.S. Act, 1985 would not be attracted, the petitioner deserves privilege of bail.

Mr. Amit Kumar Rakesh, learned A.P.P. for the State is present. He has not controverted the submission of learned counsel for the petitioner that quantity of psychotropic substance as disclosed in the F.I.R. are less than commercial quantity.

Considering the aforesaid aspects of the matter and that the petitioner has remained in jail for more than eight months and the rigours of Section 37 of the N.D.P.S. Act, 1985 is not attracted against him, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties



of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Darbhanga in connection with Special Case No. 04 of 2021 arising out of Laheriasarai P.S. Case No. 34 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

