

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30118 of 2021**

Arising Out of PS. Case No.-731 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

MUKESH SINGH S/o Late Lallan Singh R/o Village- Akhalaspur, P.S.-
Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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

2 12-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 8/21 (b), 27 (A) of the N.D.P.S. Act.

As per the prosecution case, five grams of smack was recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that the recovery is of small quantity and Section 37 of NDPS Act could not be attracted against the petitioner. It is submitted that petitioner has kept the smack for self consumption. Petitioner claims clean antecedent and is in custody since 13.11.2020 and charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail.



Considering the facts of the case and the period of custody of the petitioner, 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 Additional Sessions Judge-cum- Special Judge, Kaimur at Bhabua in connection with NDPS PS case No. 44/2020, arising out of Bhabua PS Case No. 731/2020, 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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