

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32347 of 2021

Arising Out of PS. Case No.-593 Year-2018 Thana- ALAMGANJ District- Patna

Shankar Kumar @ Lala Son of Late Suresh Prasad Singh Resident of
Mohalla- Gur Ki Mandi, near Pitambara Mandir, P.S.- Alamganj, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Prasad, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Alamganj P.S. Case No. 593 of 2018 instituted for the offences
under Sections 20 and 22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.01.2021, charge-sheet has been
submitted in the case and has got criminal antecedents as
mentioned in paragraph '3' of the bail petition.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that *ganja*, smack and cash
were recovered from the room of one Late Suresh Prasad Singh.

Learned counsel for the petitioner submits that the



petitioner was not present in the said house when the alleged recovery was made. He further submits that from perusal of the allegation though it is alleged that 30 sachets of *ganja* and smack were recovered but neither the F.I.R. nor the seizure list mentions the weight of the alleged seized contraband, as such it is difficult to ascertain whether the quantity recovered was commercial or not.

Learned counsel for the petitioner submits that co-accused Rajeev Kumar has been granted bail vide order dated 30.08.2019 in Cr. Mic. No. 35650 of 2019 and co-accused Saraswati Devi and Babloo Kumar have been granted bail vide order dated 10.01.2019 in Cr. Misc. No. 78723 of 2018.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the petitioner has got seven criminal antecedents as mentioned in paragraph '3' of the bail application but is not able to meet the submission of the learned counsel for the petitioner that the weight of the contraband is not mentioned in the F.I.R. nor in the seizure list. Learned A.P.P. further submits that it seems that the police in connivance has registered the F.I.R. in such a manner that the petitioner cannot be convicted under the N.D.P.S. Act or the informant was not knowing the law regarding N.D.P.S.

Considering the fact that the petitioner is in custody



since 21.01.2021, charge-sheet has been submitted in the case and the co-accused have been granted bail, let the petitioner above named be released 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 Additional Sessions Judge-XXIV, Patna in connection with Alamganj P.S. Case No. 593 of 2018 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that he will mark his attendance on 15th of every month in the concerned police station till the trial commences and in the event it is reported to the learned court below that the petitioner has not marked his attendance on any of the 15th of any month, the learned court below shall be at liberty to cancel his bail bonds.

Let a copy of this order be sent to the S.S.P., Patna for his perusal so that he is made aware of the fact that as to how the police authorities are instituting F.I.R. even without disclosing the relevant facts which are necessary for adjudication of the case.

(Satyavrat Verma, J)

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