

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38341 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Rakesh Kumar Singh @ Azad Kumar Son of Late Shyam Kumar Singh
Resident of Village - Saraiya Bazar, P.S. - Deoria, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 23-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Runni Saidpur P.S. Case No. 170 of 2021, registered for the offence under Sections 8/20(b)(ii)A/29 of the N.D.P.S. Act.

As per the prosecution case, 2.270 gm. of Smack has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that the alleged recovery is less than small quantity and as such, rigors of Section 37 of the N.D.P.S. would not be attracted. Mandatory provision with regard to search and seizure has not been followed. There is no allegation of tampering with the evidence. Petitioner has got clean antecedent and he is in custody since 17.03.2021.



Learned A.P.P. for the State has opposed the bail petition.

Considering the period of custody, clean antecedent of the petitioner and recovery of small quantity of Smack, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Special Judge (NDPS Act), Sitamarhi in connection with Runni Saidpur P.S. Case No. 170 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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