

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.129 of 2021**

Arising Out of PS. Case No.-894 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

Duj Singh son of Late Sheetal Singh resident of Gouar, Dharampur, P.s.-
Barh, District- Patna, at present resident of R.M.S. Colony, Kankarbagh, P.s.-
Kankarbagh, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-07-2021 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. Ajit
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Special Case No. 2 of 2020 arising out of Ram
Krishna Nagar P.S. Case No. 894 of 2019 registered for the offences
punishable under Sections 8(c), 21(c), 25, 29 of Narcotics Drugs and
Pshycotropic Substances Act.

Learned counsel for the petitioner submits that as per the
prosecution story, on secret information the informant along with
other police personnel reached where this petitioner was selling
brown sugar and nabbed by the police. When the petitioner was



searched 12 puria of brown sugar has been recovered from his possession.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the alleged brown sugar which is seized from the possession of petitioner is much less than the commercial quantity. The petitioner is in custody since 2.1.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner, though, he admits that the alleged brown sugar recovered from the possession of the petitioner is much less than the commercial quantity.

Having regard to the facts and circumstances of the case wherein the submission of learned counsel for the petitioner has not been controverted by learned APP for the State that the alleged brown sugar seized from the possession of the petitioner is much less than the commercial quantity, the rigours of Section 37 of the NDPS Act would not be attracted, the petitioner has no criminal antecedent and has remained in jail in connection with this case since 2.1.2020, investigation against him is complete but the trial is not likely to be taken up in near future, 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 Case No. 2 of 2020 arising



out of Ram Krishna Nagar P.S. Case No. 894 of 2019, 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'.

