

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6331 of 2021**

Arising Out of PS. Case No.-139 Year-2017 Thana- KHUSRUPUR District- Patna

AMIT KUMAR Son of Jagdev Prasad R/o Village - Raipura, P.S. - Fatuha,
District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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

3 30-07-2021 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. Dinesh Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case (NDPS) No. 101 of 2017 arising out of Khusrupur P.S. Case No. 139 of 2017 for the offences registered under Section 402, 353, 307, 414 of the Indian Penal Code and 25 (1-b) a, 26, 27, 35 of Arms Act and 20 and 22 of N.D.P.S. Act.

Learned counsel for the petitioner submits that as per the prosecution story 500 gram of charas and one mobile phone had been recovered from the possession of this petitioner when the police party intercepted, the mobile phone belongs to the petitioner.

It is his submission that the quantity of charas allegedly recovered is less than the commercial quantity and hence rigors of Section 37 of the NDPS Act is not attracted.

It is further submitted That the co-accused from whose possession similar quantity of charas were recovered and one of whom was arrested with arms have been granted bail by learned coordinate Benches of this Court in Cr. Misc No. 49321 of 2018 and 23935 of 2019. This petitioner is in custody for over two years by now, till date charge has not been framed.

On the other hand, learned APP for the State finds out that this petitioner has got seven criminal antecedent, however, as per the declarations in paragraph 3 the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case wherein the similar facts and circumstances the co-accused has already been released on bail by learned coordinate Benches of this Court, the petitioner has remained in custody in connection with this case for over four years but the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail above-named 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 ADJ-XVI, Patna in connection with Spl. Case No. 101 of 2017 arising out of Khusrupur P.S. Case No. 139 of 2017, 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'.