

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1107 of 2021

Arising Out of PS. Case No.-600 Year-2020 Thana- KHAGARIA District- Khagaria

Niraj Kumar aged about 32 years Son Of Om Prakash Kumar Resident Of
Village-Uttari Bhadas, P.S.-KHAGARIA (MUFFASIL), District-Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate and Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party	:	Mr. Pradip Nr. Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-05-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case
registered for the offence punishable under sections 8/20 (b)(ii)
(c) / 25/29 of the NDPS Act.

As per the prosecution case, 70 grams of Smack
powderhas been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case and the alleged recovery is much less than the commercial quantity. The mandatory provision of law for search and seizure has not been followed. Petitioner has claimed clean antecedent and he is in custody since 23.8.2020 and Charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that alleged recovery is much less than the commercial quantity coupled with the fact that the petitioner has got clean antecedent, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge cum Special Judge, N.D.P.S. Act, Khagaria in Special NDPS Case No. 04/2020/ Khagaria Police Station Case No. 600 of 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)

Shashi

U		T	
---	--	---	--

