

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.120 of 2021**

Arising Out of PS. Case No.-419 Year-2020 Thana- PHULWARISHARIF District- Patna

RAKESH KUMAR Son of Sri DINESH RAM Resident of Rastriyaganj
Kumbhar Toli, P.S. - Phulwarisharif, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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

4 24-07-2021 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. Ajay Kumar No. 2, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Phulwari Sharif P.S. Case No. 419 of 2020 (Special Case No. 110 of 2020) registered for the offences punishable under Section 20, 22 of NDPS Act.

Learned counsel for the petitioner submits that as per the prosecution story, two puriya of brown sugar has been allegedly recovered from the possession of this petitioner.

Learned counsel for the petitioner submits that from possession of this petitioner two grams of brown sugar has been allegedly recovered. He has otherwise no criminal antecedent and the



quantity of brown sugar allegedly recovered is less than the small quantity. Therefore, the rigors of Section 37 of the NDPS Act 1985 is not attracted.

Learned APP for the State has though opposed the prayer for bail of the petitioner but accepts that five gram is the small quantity and from possession of this petitioner two gram of brown sugar have been recovered.

Considering the facts and circumstances of the case wherein the recovery of brown sugar is less than the small quantity, petitioner has no criminal antecedent and as per learned counsel for the petitioner the co-accused from whose possession ten puriya of brown sugar have been recovered has been granted privilege of regular bail, 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 ADJ XXV, Patna in connection with (Special Case No. 110 of 2020) Phulwari Sharif P.S. Case No. 419 of 2020, 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'.

