

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3811 of 2022

Arising Out of PS. Case No.-491 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Amarjeet Kumar, Son Of Sahdeo Sahni, R/O Village- Vijay Chhapara Ward
No.08, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ahiyapur P.S. Case No. 491 of 2021 registered for the alleged offences under Sections 8, 20(b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case is that police received secret information about petitioner keeping smack in his house and selling the same to the customers. A raid was conducted on the house of the petitioner, who started running away from there, but he was chased and apprehended. 50 Sachets of smack were



recovered from the house of this petitioner and its weight was found to be 25 grams.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the person of the petitioner and he was arrested merely on suspicion. The allegedly recovered contraband does not belong to the petitioner. Learned counsel further submits that the alleged recovery of smack is much less than the commercial quantity and is more than the small quantity as prescribed in the Notification of the Central Government. The petitioner is in custody since 27.07.2021 and charge-sheet has been filed in this case

Learned APP opposes the submission made on behalf of the petitioner submitting that from the petitioner, 25 grams of smack was recovered.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is not having criminal antecedent and charge-sheet has been submitted and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Additional District & Sessions Judge-VIII, Muzaffarpur in connection with Ahiyapur P.S. Case No. 491 of 2021 (NDPS Case No. 102 of 2021), subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not indulge in similar nature of cases.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Diwakar/-

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

