

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3694 of 2022

Arising Out of PS. Case No.-625 Year-2021 Thana- ALAMGANJ District- Patna

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AYUSH KUMAR @ ANURAG KUMAR Son of Uday Tiwari Resident of
Village and Post- Kudarkat, P.S.- Chhauradano, District- East Champaran
(Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh,Adv

For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 414 of the IPC and Sections
20/22 of NDPS Act.

Recovery is of 23 Grams of Smack.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that it
appears from the FIR as well as seizure list that altogether 23



Grams of smack has been recovered from possession of the petitioner. He further submits that there is non-compliance of Section 50 of the NDPS Act. He further submits that the recovered Smacks is less than the commercial quantity and Section 37 of the NDPS Act has not come on the way to enlarge the petitioner on bail. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Alamganj P.S. Case No.625 of 2021, with 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.

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.

(Rajesh Kumar Verma, J)

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