

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13118 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Vicky Kumar S/o Mr. Ajay Kumar R/o Mohalla- Durga Asthan Sadpura, P.S.-
Kazimohammadpur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate.
For the Opposite Party/s : Ms. Rina Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kazimohammadpur P.S. Case No. 286 of 2021 lodged under
Sections 21(b) of N.D.P.S. Act.

As per the allegation made in the F.I.R. total recovery
is of 25 grams of smack made from the possession of the present
petitioner whereas the total recovery is 181 grams of
smack/heroine relating to the present case.

Learned counsel for the petitioner submits that the
name of the petitioner has been inserted in this case only due to
the reason that his father and brother have criminal antecedent.
He further submits that petitioner has clean antecedent and he is

completely innocent. He further submits that the commercial quantity for the smack/heroine is 250 grams whereas the alleged recovery with the petitioner is only 25 grams which is smaller than the commercial quantity. He also submits that the present case does not come within the purview of Section 37 of N.D.P.S. Act.

Learned counsel for the State opposes the prayer for bail of the petitioner.

In the present facts and circumstances of this case that petitioner is in custody since 05.10.2021, charge sheet has already been filed and petitioner having no criminal antecedent, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum Special Judge NDPS, Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 286 of 2021, subject to the following conditions:-

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his

bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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