

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16997 of 2022

Arising Out of PS. Case No.-444 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAVI KUMAR Son of Lalan Sah @ Lalan Kumar Sah Resident of Village -
Daudnagar, P.s.- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 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 D.R.I. (N.D.P.S.) Case No. 73/2021 P.S. Case No. 444 of 2021 registered for the alleged offences under Sections 414 and 34 of the Indian Penal Code Sections 25(1-B)a, 26/35 of the Arms Act & 20/22 of the Narcotic Drugs and Psychotropic Substances Act.

As per prosecution case, the petitioner and other co-accused persons were arrested by the police with fire arms and smack like substance. From this petitioner 10 sachet of smack like



substance and 25 gm of chilli powder were recovered.

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 conscious possession of the petitioner. The petitioner has no concern either with the co-accused persons or with the recovered articles. Though the recovery of 10 sachet of smack like substance is being alleged, no weight has been given for the recovery made from this petitioner. If the cumulative weight is taken into consideration which is stated to be 15 gm and in this manner it could be said that recovery of about 5 gm of smack like substance was made from the petitioner which is below small quantity as notified in the government order. Charge sheet has been submitted in this case and there was no chemical examination report to show that the substance recovered was smack and the petitioner is in custody since 23.06.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that the recovery has been made from this petitioner and other co-accused persons were also carrying fire arms along with smack like substance.

Having regard to the submission made on behalf of the parties and considering the fact that quantity of recovered smack like substance from the petitioner has not been shown on the record and further considering the submission of charge sheet



and the period of custody of the petitioner, 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 Sessions Judge, VIII, Muzaffarpur in connection with D.R.I. (NDPS) Case No. 73 of 2021 P.S. Case No. 444 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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)

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