

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17481 of 2022

Arising Out of PS. Case No.-853 Year-2021 Thana- PHULWARISHARIF District- Patna

Rakesh Kumar S/O Avdesh Rai Resident of Sabajpura, P.S.- Phulwari Sharif,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate.

For the Opposite Party/s : Mr.Satyendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Phulwarisharif P.S. case no. 853 of 2021 registered for the
offences punishable under Sections 20, 21(b), 22 and 27 of the
NDPS Act.

Allegedly 30 gm narcotic material suspected to be
brown sugar kept in several small packets was recovered from
the possession of the petitioner.

The main submissions advanced by learned counsel
for the petitioner are that the alleged recovered material comes



in intermediately quantity which is less than commercial quantity and the petitioner has been languishing in jail since 08.10.2021 having clean antecedent and while making the recovery of alleged articles the provisions of section 50 of the NDPS act were not followed by the concerned police officials.

Learned APP has opposed the prayer for bail.

Having regard to the custody period of petitioner and recovery of alleged contraband which comes under the purview of less than commercial quantity as submitted and accepted by prosecution and as per para no. 3 of petition the petitioner has got no criminal antecedent and as per order of learned Court below the investigation has been completed and the petitioner's case is at initial stage of trial, in my view a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Phulwarisharif P.S. case No. 853 of 2021 on 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 below and shall remain physically present as directed by the



Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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