

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19187 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BUXAR District- Buxar

Sanjay Kumar @ Vedu Son Of Late Madan Chaudhary R/O Village- Shanti
Nagar, P.O.- Buxar, P.S.- Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Buxar (Town) P.S. Case No.44/2022 instituted under
Sections 21, 22 and 27 of the NDPS Act.

The police, who is informant in this case has alleged
in the FIR that during patrolling, got secret information that this
petitioner is selling banned substance and accordingly after
informing the senior officers, formed a raiding team under the
Circle Officer, Buxar and later apprehended him. He was
searched under the NDPS Act and altogether eleven sachets of
white colour paper weighing 6 gram heroin was
recovered/seized. Accordingly he was taken into custody.



Learned counsel for the petitioner submits that under NDPS Act, 5 gram is small quantity and allegation in the FIR is of 6 gram. He further submits that even the police was not sure about the materials seized and has alleged that it is a heroin like substance. He submits that just to keep the petitioner in custody, the quantity of the heroin like substance has been increased to 6 gram. He lastly submits that he has no criminal antecedent and is in jail since the day of the occurrence i.e. 24.01.2022

Taking into account the fact that the police has alleged in the FIR of the recovered/seized substance to be heroin like substance, the petitioner has been alleged to be carrying 6 gram of the said heroin like substance, whereas according to the NDPS Act 5 gram is the small quantity, he is in custody since 24.01.2022 and has no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Buxar (Town) P.S. Case No.44/2022 to the satisfaction of learned District Judge-cum-Special Court, NDPS Act, Buxar, subject to



following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

