

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29574 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- KASBA District- Purnia

1. KALI CHARAN SAH Son of Late Dev Narayan Sah Resident of Village and P.S.- Dalkola, District- Uttar Dinazpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 29-01-2022 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 petitioners and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Kasba P.S. Case No. 181 of 2020 giving rise to Special Case No. 30 of 2020 registered for the offence under Sections 8, 21 and 22 of the N.D.P.S. Act.

Altogether recovery is of 480 gram of brown sugar.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that as per the F.I.R., the allegation is 125 gram of brown sugar has



been recovered from dickey of car of the petitioner but nothing has been recovered from the conscious possession of the petitioner. He further submits that as per the notification issued under the NDPS Act, 1985, the commercial quantity of brown sugar (heroin) has been defined to be 250 grams, thus, it is apparent that the quantity of brown sugar recovered from the dickey of the car of the petitioner is less than the commercial quantity, hence there is no bar for this Court to grant the privilege of bail to the petitioner. The police after investigation has submitted charge sheet against the petitioner. Moreover, the co-accused, namely, Binod Kumar mali @ Vinod Mali @ Vinod Kumar Mali has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2021 passed in Cr. Misc. No. 29658 of 2021. The petitioner is rotting in judicial custody since 25.12.2020.

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, above named, 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 learned Special Judge, N.D.P.S. Act, Purnea in connection with Kasba P.S. Case No. 181 of 2020 giving rise to Special Case No. 30 of 2020 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 canceled 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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