

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32480 of 2021

Arising Out of PS. Case No.-655 Year-2020 Thana- PHULWARISHARIF District- Patna

MUKESH KUMAR S/O SIDHNATH SINGH R/o village- Mohamadpur @
Mahanmmadpur Korji, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-02-2022 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 petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Phulwarisharif P.S.Case No.655 of 2020 (Spl.Case No.166 of 2020) registered for the offence under Sections 20 and 22 of N.D.P.S.Act.

According to prosecution case, informant Rajesh Kumar received secret information that some boys are selling psychotropic substances. For verification of the information they reached at Mohammadpur Bagicha in the night and seeing the police vehicles four persons started running away but they have been caught by the police force and they disclosed their



names as Mukesh Kumar, Jaideep Sharma, Shiva Kumar and Shivam Kumar. In search 06 puriya recovered from the possession of Mukesh Kumar and in enquiry he told that he sold brown sugar. Altogether 35 puriya brown sugar have been recovered from the possession of all accused persons.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that six puriyas of Smack has been recovered from the conscious possession of the petitioner. He further submits that the small quantity of smack is 05 Grms and the recovery from possession of the petitioner is around 06 Gms which is more than small quantity. He further submits that Section 37 of the N.D.P.S. Act has not come on the way of this Court to grant the bail of the petitioner. He further submits that the police, after investigation, submitted the chargesheet against the petitioner. He further submits that co-accused, namely, Shiva Kumar has been granted bail by this Court vide order dated 22.02.2022 in Cr.Misc. No.35947 of 2021 and the petitioner is in custody since 01.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one



more case other than the present one.

Considering the fact and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXV, Patna in connection with Phulwarisharif P.S.Case No.655 of 2020 (Spl.Case No.166 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 cancelled 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)

Nitesh/-

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

