

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22609 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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PREM KUMAR @ PREM KUMAR YADAV Son of Sri Munilal Yadav @
Pankaj Yadav Resident of Village - Koylaghat, P.s.- Jogsar (Kotwali), Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Das

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Kotwali (Jogsar) P.S. Case No. 81 of 2022 (N.D.P.S. Case No.

13 of 2022) registered for the offences punishable under

Sections 20(b)(IIB)/21(b) of the N.D.P.S. Act.

As per prosecution case, after getting secret

information that some persons are dealing in brown sugar the

informant along with other police officials reached the spot. The

petitioner was apprehended and others succeeded in fleeing

away from the place of occurrence. There is alleged recovery of



5 gm brown sugar and other articles from the conscious possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 27.02.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that alleged recovery comes under purview of small quantity. According to Section 50 of NDPS Act search was not made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Bhagalpur in connection with Kotawali (Jogsar) P.S. Case No. 81 of 2022 (N.D.P.S Case No. 13 of 2022), subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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