

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24864 of 2022

Arising Out of PS. Case No.-993 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Ranjeet Kumar, Son of Ashok Yadav @ Ashok Kumar Yadav, R/O Village-
Krishnapuri Yadav Tola, P.S.- K.Hat (Madhubani), District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

In the present case, the petitioner seeks bail in connection with Special (NDPS) Case No. 77 of 2021, arising out of K. Hat (Madhubani) P.S. Case No. 993 of 2021, registered for the alleged offences under Sections 8 (c) and 21 (b) of the N.D.P.S. Act.

As per prosecution case, the recovery of 13 grams of smack as well as cash of Rs.10,000/- was made from the possession of the petitioner whereas 5gms of smack was recovered from the co-accused Chandan Kumar apart from Rs. 1,79,930/- and a weighing machine which was recovered from their house. The petitioner tried to escape from the spot but he was apprehended.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the possession of the petitioner. The search and seizure has been made in contravention of the provisions of the NDPS Act. From the statement of the petitioner recorded under Section 67 of the NDPS Act, it is very much apparent that the petitioner has no role in the occurrence. The quantity of smack recovered from this petitioner is much below the commercial quantity though it is greater than the small quantity. The co-accused Chandan Kumar has been granted bail by the learned Special Judge, NDPS Act, Purnea. The petitioner is in custody since 26.10.2021 and is having clean antecedent. The charge sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering his period of custody along with the submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



NDPS Act, Purnea, in connection with Special (NDPS) Case No. 77 of 2021, arising out of K.Hat (Madhubani) P.S. Case No. 993 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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