

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35947 of 2021

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

Shiva Kumar S/O Bhusan Sharma R/o village- Mohammadpur, P.S.-
Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Special Case
No. 166 of 2020 arising out of Phulwarisharif P.S. Case No. 655
of 2020 registered for the offences punishable under Sections
20, 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. On search 12 puriya recovered from the



possession of the Shiva Kumar and 07 puriya recovered from the possession of Jaideep Sharma and in enquiry they told that they sale brown sugar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 12 sachets (Puriya) of the smack have been recovered from the conscious possession of the petitioner. He further submits that the small quantity of smack is 05 gms. and the recovery of the smack is more than the 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 charge sheet against the petitioner and other co-accused persons. The petitioner is in custody since 01.12.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional



Sessions Judge-XXV, Patna in connection with Special Case
No. 166 of 2020 arising out of Phulwarisharif P.S. Case No. 655
of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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