

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26803 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

ARVIND KUMAR @ PALI S/o Sohan Mallah @ Sohan Prasad R/o Bhabhua
Ward No. 25, P.S. Bhabua, District - kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 414 of the
Indian Penal Code and 8©, 21 (b), 27 (A) of the N.D.P.S. Act, in
connection with Bhabhua P.S. Case No. 126 of 2022.

The prosecution story, in brief, is that the police
upon secret information found/recovered/seized 12 pouches of
'smack'/ 'heroin' equal to two grams 170 mg. as also Rs.
2170/-. Accordingly, the FIR was lodged and the petitioner was
taken into custody.

Mr. Jitendra Kumar Singh, learned APP has gone
through the contents of the FIR and has submitted that small



quantity of 'smack' is 5 grams whereas in this case recovery/seizure is 2.170 grams.

Considering the aforesaid facts as also that the petitioner is in custody since 7.3.2022 (as stated in para-18 of the bail application) and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Kaimur at Bhabua, in connection with Bhabhua P.S. Case No. 126 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for one year to mark his presence;



(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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