

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36357 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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LAKHINDRA RAI @ LAKHINDRA YADAV Son of Late Suraj Rai
Resident of Village - Yadav Nagar Bhagwanpur, P.S.- Sadar, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 24-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Muzaffarpur Sadar P.S.Case No.38 of 2021 registered for the
offence under Sections 20/22 of N.D.P.S. Act.

Recovery is of 08 Grams of smack like substance
from possession of the petitioner.

Learned counsel for the petitioner submits that it
appears from the FIR that 08 Gms of Smack like substance was
recovered from conscious possession of the petitioner. He
further submits that as per notification issued under the
N.D.P.S. Act, 1985, the small quantity of smack has been
specified as 5 Grams, whereas the commercial quantity has been



specified as 250 Gms. In fact, in this case, the total recovery is of 08 Gms as per seizure list, thus, it is apparent that the quantum of alleged smack recovered from the possession of the petitioner is less than the commercial quantity, therefore, the same does not fall within the purview of commercial quantity, hence, there is no bar for this Court to grant the privilege of bail to the petitioner. He further submits that the police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.01.021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts 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 Sessions Judge-cum-Special Judge, NDPS, Muzaffarpur in connection with Muzaffarpur Sadar P.S.Case No.38 of 2021 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)

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