

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37044 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- THAWE District- Gopalganj

BISHNU KUMAR @ VISHNU KUMAR SON OF OM PRAKASH
PRASAD R/o village- Udant Rai Ke Bengra, P.S.- Thawe, District- Gopalganj

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Advocate.
For the State : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 06-01-2022 The applicant/accused in Crime No.36 of 2021 registered with Police Station-Thawe for the offence punishable under Section 188 of the Indian Penal Code, Sections 45(i) (xii)/46(viii) of Prison Act and 8(c)/21(a) of the NDPS Act, by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/accused as well as the learned A.P.P..

The Deputy Superintendent of the Prison has lodged the F.I.R. against the applicant who was the under trial prisoner on 16.02.2021. It is alleged against the applicant that when he was sent to the court on 15.02.2021, while returning to Jail he was found to be in possession of a substance like smack weighing five grams.



The investigation of the crime in question is over. Even if it is assumed that the substance is smack then also it is a small quantity for which punishment prescribed is only one year.

In this view of the matter, I see no reason to deny bail to the applicant. Therefore the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.36 of 2021 registered with Police Station-Thawe for the offence punishable under Section 188 of the Indian Penal Code, Sections 45(i) (xii)/46(viii) of Prison Act and 8(c)/21(a) of the NDPS Act, be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be



involved in commission of similar offence, the State
is at liberty to apply for cancellation of bail granted
to the applicant in the instant case.

The applicant to remove all office objections forthwith
and the Registry to issue the certified copy of this order only
after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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