

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31135 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DANAPUR District- Patna

PINTU KUMAR SON OF RAM AWADHESH SINGH RESIDENT OF
VILLAGE- SATTAR SARAI, WARD No.4, POLICE STATION- MANER,
DISTRICT- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Danapur P.S. Case No. 48 of 2022 registered for the offences
punishable under Sections 8, 20, 21(b) of the Narcotic Drugs
and Psychotropic Substance Act.

As per prosecution case, there is alleged recovery
of 07.50 grams brown sugar from the polythene kept in pocket
of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.01.2022 and bears no criminal



antecedent. He further submits that from the possession of petitioner 07.50 gram brown sugar was recovered which is little more than small quantity. He further submits that under the NDPS Act 5 gram brown sugar comes under the purview of small quantity and as such the recovery is more than small quantity but less than commercial quantity. He further submits that there is no compliance of Section 50 of the Act and seizure memo is not in tune of Section 100 of the Cr.P.C as there is no independent witness of seizure list. He further submits that petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge XIII, Patna in connection with Danapur P.S. Case No. 48 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

