

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40678 of 2021**

Arising Out of PS. Case No.-358 Year-2021 Thana- PHULWARISHARIF District- Patna

Subodh Kumar S/O Vishnu Dev Choudhary @ Vishun Dev Choudhary R/O
Village-Ranipur More, Police Station-Phulwarisharif, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 38 of 2021 arising out of Phulwarisharif P.S. Case No. 358 of 2021 registered for the offences punishable under Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He is in custody since 03.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 02.04.2021, on secret information, the police party started checking during which they apprehended



two persons and on search, from Subodh Kumar (this petitioner), 19 grams of brown sugar and from co-accused Vikash 20 grams of brown sugar were recovered and they were arrested.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the quantity of brown sugar recovered from the possession of the petitioner is much less than the commercial quantity. The petitioner has remained in custody since 03.04.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the fact that 19 grams of brown sugar is said to have been recovered from possession of the petitioner which is much less than the commercial quantity and the rigors of Section 37 of the N.D.P.S. Act would not be attracted in this case, further that the petitioner has no criminal antecedent and has remained in custody since 03.04.2021, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge –



XXIV, Patna in connection with Phulwarisharif P.S. Case No. 358 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

