

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42353 of 2021**

Arising Out of PS. Case No.-86 Year-2021 Thana- NAUBATPUR District- Patna

=====

KANHAIYA KUMAR, Son of Arvind Singh @ Anirudh Singh, Resident of
Village - Mahmadalichak, P.S.- Naubatpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2022 Learned counsel for the petitioner undertakes to re-

move the defects as pointed out by the Stamp Reporter within

four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr.

Shailendra Kumar, learned APP for the State.

The petitioner in the present is seeking regular bail in

connection with Special Case No. 14 of 2021 arising out of

Naubatpur P.S. Case No. 86 of 2021 registered for the offences

punishable under Section 8(c)/21(B) of the Narcotic Drugs and

Psychotropic Substances Act (for short 'N.D.P.S. Act'). The pe-

titioner is in custody since 09.02.2021. He has no criminal an-

tecedent.

Learned counsel for the petitioner submits that as per



the prosecution story, the informant got secret information that some persons are involved in selling smack. The informant reached at the given place where on seeing the Police, some persons started fleeing but on chase three of them were apprehended and after following the procedure of search, from possession of the petitioner three puriyas containing one gram smack in each were recovered. From others puriyas containing smack were also recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is said to have been apprehended with 3 grams of smack which is less than the commercial quantity and as such rigours of Section 37 of the N.D.P.S. Act would not be attracted in this case.

Mr. Shailendra Kumar, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the fact that only 3 grams of smack has been allegedly recovered from the petitioner, the seizure list is not disclosing the nature of the article which has been recovered and the quantity is less than commercial quantity, therefore, the rigours of Section 37 of the N.D.P.S. Act would not be attracted and further that the petitioner has a clean antecedent as



also he has remained in custody since 09.02.2021, investigation against him is complete, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Patna in connection with Special Case No. 14 of 2021 arising out of Naubatpur P.S. Case No. 86 of 2021, subject to the conditions as laid down under Section 437(3) of the 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)

vats/-

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

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'.

