

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34211 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- KANKARBAG District- Patna

Sonu Kumar, S/o Satish Prasad, Resident of Jhoparpatti, Near South Of
Jagdish Memorial Hospital, P.S.- Kankarbagh, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajni Kant Singh, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Special Case No. 15 of 2022, arising out of
Kankarbagh P.S. Case No. 23 of 2022 registered for the alleged
offences under Sections 21 (a), 21 (b) and 25 of the N.D.P.S.
Act.

As per prosecution case, police received secret
information about the petitioner selling smack (morphine) and
the petitioner was apprehended and from his possession, 15
sachets of smack weighting 13 grams including the weight of



puriya and cello-tape and Rs. 3500/- were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the possession/person of the petitioner. The process of search, seizure weighing, sampling and sealing of the alleged recovered contraband were made in contravention to the provisions of NDPS Act and Cr.P.C. On the facts of the case, it is apparent that the recovery of contraband is much less the commercial quantity though it is above the small quantity. The petitioner is a person of downtrodden class and sole bread-earner of his family. The charges have been submitted in this case and the petitioner is in custody since 10.01.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the facts and circumstances and submissions made hereinabove and considering the quantity of contraband recovered which appears to be just above the small quantity and further considering the framing of charge and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-IX, Patna/court concerned, in connection with Special Case No. 15 of 2022 arising out of Kankarbagh P.S. Case No. 23 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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