

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43710 of 2021

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

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BHARAT BHUSHAN PATEL @ GARERAN, S/o- Devendra Singh, R/o
Village- Mahamdalichak, P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr. Basant Kumar Singh, Advocate
	Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jagdhar Prasad, learned A.P.P. for the State.

Petitioner, in the present case, 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 (in short the “N.D.P.S. Act”). He is in custody since 09.02.2021 having no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, the informant who is A.S.I. of Naubatpur Police Station, has alleged that on



08.02.2021, he got secret information that some persons are selling smack near Bihta Sarmera road, thereafter he along with the police patrolling party reached there and apprehended one Kanhaiya Kumar along with co-accused persons namely Gajendra Sao and Bharat Bhushan Patel @ Gaderan (Petitioner) when they were trying to flee away from the spot. On search, seven purias of smack from possession of Gajendra Sao, eighteen purias of smack from the petitioner and three purias of smack from possession of Kanhaiya Kumar were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing has been recovered from the conscious possession of the petitioner, however he is in custody since 09.02.2021.

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

Having regard to the submissions that the alleged quantity of smack recovered from the possession of the petitioner is much less than the commercial quantity, rigours of Section 37(2) of the N.D.P.S. Act would not be attracted and that the petitioner has no criminal antecedent, further he has remained in custody in connection with this case since 09.02.2021, investigation against him is complete and his



presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, XXIV, Patna in connection with Special Case No. 14 of 2021 arising out of Naubatpur P.S. Case No. 86 of 2021, subject to the condition 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

