

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35652 of 2022**

Arising Out of PS. Case No.-70 Year-2022 Thana- SAKRA District- Muzaffarpur

Suraj Kumar @ Abhinav @ Abhinav Kumar Son Of Late Santosh Thakur R/O
Village- Shambhunathpur Dholi, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Gopal Swaroop, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2022 Supplementary affidavit filed on behalf of the
petitioner is taken on record.

Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

At the outset, learned counsel for the petitioner
submits that it was wrongly mentioned in para-3 of the bail
application that he has no criminal antecedent, although, he
had criminal antecedent for which he seeks apology.

Learned counsel for the petitioner is cautioned to
be careful in future.

The case is registered under Sections 25(1-b)a,



26/35 of the Arms Act, Sections 8, 20 and 22 of the NDPS Act in connection with Sakra P.S. Case No. 70 of 2022.

As per the allegation in the FIR, the police during the duty intercepted certain accused and so far as this petitioner is concerned, it is alleged that from a bag 1 kg 'Ganja' like substance was recovered/seized from his possession. Accordingly, along with other co-accused whom different articles have attributed to have been recovered/seized, he was also taken into custody and FIR was lodged.

Learned counsel for the petitioner submits that the police has alleged the same to be 'Ganja' like substance and thus not sure about it. It is submitted that in any case, the same is small quantity and below the commercial quantity for which he is in custody since 9.2.2022.

Taking into account the aforesaid facts regarding recovery/seizure of the 'Ganja', his period of custody that is 9.2.2022 and charge-sheet stands submitted, the court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of



learned Additional Sessions Judge-cum-Special Judge,
NDPS Act, Muzaffarpur in connection with Sakra P.S.
Case No. 70 of 2022/NDPS Case No. 52 of 2022 subject to
the following conditions:

(i) one of the bailors should be the family
members of the petitioner, who shall provide official
document to show his/her bona fide;

(ii) the petitioner shall appear on each and every
date before the Trial Court and failure to do so for two
consecutive dates without plausible reasons will entail his
cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police
station every month till the conclusion of the trial to mark
his presence;

(iv) he shall in no way try to induce or promise
or threat the witnesses or tamper with the evidence, failing
which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing
any criminal offence again, failing which the State shall be
at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail



application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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