

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35582 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- NAUBATPUR District- Patna

AMRISH KUMAR SON OF SACHIDANAND SINGH Resident of Village
Jalpura, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard Mr. Patanjali Rishi, learned counsel for

the petitioner and Ms. Renu Kumari, learned APP for the

State in Virtual Court Proceeding.

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

The case is registered under Sections 8(c) and
21(b) of the Narcotic Drugs and Psychotropic Substances
Act, 1985 in connection with Special Case No. 57 of 2022
arising out of Naubatpur P.S. Case No. 167 of 2022.

As per the prosecution story, the Naubatpur
police upon secret information that one Aku Kumar was
selling smack went to the said place and raided the hutment
where four boys were found smoking cigarette, the
petitioner was one of them. Further upon search, it is



alleged that amongst other, five packets of smack were recovered from the petitioner, from others, 7 packets each have been attributed to Ravi Ranjan Kumar and Pintu Kumar while another 5 packets is alleged to have been seized from Ajit Kumar. The police totalled the same weighing to be 10.20 grams of 'smack'.

Learned counsel for the petitioner submits that in view of the fact that separate weighing was not done, he can be given the benefit of doubt by dividing the same by five and as such he will only be found to be in possession 2.125 grams of 'smack' which is less than small quantity. His last submission is that the petitioner is in custody since 21.3.2022 and he has no criminal antecedent.

Per contra, Ms. Renu Kumari, learned APP, submits that they were found to be in an inebriated condition and are habitual smoker and in that backdrop, they do not deserve bail.

Taking into account the fact that the petitioner is a young man, is in custody since 21.3.2022 and even taking into account the aforesaid quantity of aforesaid 'smack' to be of 10.20 grams, the same is below commercial quantity, charge-sheet stands submitted, this Court is inclined to



grant him the privilege of bail. However if it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, NDPS Act, Patna, in connection with Special Case No. 57 of 2022 arising out of Naubatpur P.S. Case No. 167 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 fortnight for next six months to mark his presence;

(iv) 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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