

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35597 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- SAHAR District- Bhojpur

KUSHMESH RAY SON OF JUGAL KISHORE RAY R/O- VILL- BARUHI,
P.S.- SAHAR, DIST.- BHOJPUR, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

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

The petitioner is an accused in connection with
NDPS (SL) No. 16 of 2022 arising out of Sahar P.S. Case No.
51 of 2022 under Sections 21(b) and 29 of the NDPS Act.

As per the prosecution story, the police upon secret
information that ‘heroin’ is being sold by the petitioner at his
house, the same was raided and it is alleged that 8.97 grams of
‘heroin’ kept in 17 small paper packets of polythene were
recovered/seized. Accordingly, the FIR was lodged and he was
taken into custody.



Learned counsel for the petitioner submits that though he has been implicated in this case, in any case quantity recovered/seized is just above the small quantity and much below the commercial quantity for which he has remained in custody since 05.03.2022 (as stated in paragraph-15 of the bail application) despite the fact that he do not have criminal antecedent.

Taking into account the quantity of the '*heroin*' recovered/seized, he is in custody since 05.03.2022, charge sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him privilege of bail.

If however, 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. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Ara, Bhojpur in connection with Sahar P.S. Case No. 51 of 2022, subject to the following conditions:-

- (i) one of the bailor should be the family member 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)

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