

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47353 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- KRITYANAND NAGAR District- Purnia

Avinash Kumar @ Akash, S/O Arun Poddar, R/o village- Mugaliya
Purandaha, Ward No. 14, P.S.- Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. D. Sanjay, Sr. Advocate
		Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 06-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. S.D. Sanjay, learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Special Case No. 17 of 2021 (NDPS Act), arising out of K. Nagar P.S. Case No. 84 of 2021, registered for the offences punishable under Sections 8 / 21 / 22(c) of the NDPS Act.

As per prosecution case, it is alleged that the police on a secret information intercepted a Swift Dezire Maruti car bearing registration no. BR 11AR 9675 and apprehended five



persons including this petitioner. It is further alleged that on search being made 1.550 gm Brown Sugar was recovered and the apprehended co-accused disclosed that the aforesaid Brown Sugar was to be delivered to Rajesh Kumar @ Pani Mandal.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that so far the recovery is concerned, the same has been made from the possession of three persons, namely, Satyam Kumar Singh, Amrit Kumar @ Sajan and Amit Kumar @ Jaikar. So far this petitioner is concerned, he is neither the owner of the vehicle nor has any concern with the alleged recovery. It is further submitted that from bare perusal of the seizure list it is evident that save and except the mobile, nothing has been recovered from the person or possession of this petitioner. It is also submitted that this petitioner being the friend of co-accused Ratan Mohan Singh @ Chiku accompanying with him and except that there is no material against this petitioner. It is lastly submitted that co-accused Ratan Mohan Singh @ Chiku @ Ratan Mohan Chaudhary, who was also apprehended by the police and further no recovery has been shown from whom, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 42265 of 2021 vide order dated 08.03.2022, a copy of which has been



brought on record by way of filing supplementary affidavit, as Annexure-5. It is next submitted that the petitioner is in custody since 03.03.2021 having clean antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted and from the materials it does not appear further interrogation of the petitioner is required.

On the other hand learned APP for the State vehemently opposes the bail application and submits that there is huge recovery of brown sugar, which has been made from the Swift Dezire Car on which the petitioner was also sitting.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that nothing has been recovered from the person or possession of this petitioner and moreover the person having identical allegation has been granted bail by the learned co-ordinate Bench of this Court and this petitioner is in custody since 03.03.2021 having fair antecedent, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Special



Case No. 17 of 2021 (NDPS Act), arising out of K. Nagar P.S.
Case No. 84 of 2021, subject to the condition that one of the
bailors will be the close relatives of the petitioner with further
conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the
trial.

(ii) He will remain present on each and every date of
trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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