

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49618 of 2021**

Arising Out of PS. Case No.-798 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Lal Babu Ray Son of Ram Jivan Roy Resident of Sukul Lane, P.S.- Jogsar,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 25-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 20/22 of the NDPS Act.

As per prosecution case, in brief, it is alleged by the

informant, who is officer-in-charge of Jogsar O.P. that on

19.12.2020 he received information that the accused petitioner

is selling pudia (small packet) of brown sugar. On this

information, he along with other police personnel reached at the

Dep Nagar Ghat and after seeing the police party one person

tried to flee away but he was caught by the police party who



disclosed his name lal babu Ray. On search, from the right pocket of trouser altogether 7 small packet and one MI mobile was recovered and on being asked about the small packet he told that the same is of brown sugar and the said article is being taking over from his friend Nishant Kumar Chaudhary @ bandu and one Prashant Batsya.

Learned counsel for the petitioner submits that he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 1.480 grams of brown sugar (Heroine) has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that the alleged recovered Heroin from the possession of the petitioner is less than the commercial quantity and rigors of Section 37 of the NDPS Act, 1985 could not be attracted and the petitioner deserves the privilege of bail and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.12.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and fairly submits that FSL report confirms that the recovered articles is Heroine.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with N.D.P.S Case No. 33 of 2020 arising out of Kotwali (Jogsar) P.S. Case No. 798 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 her 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.

(Rajesh Kumar Verma, J)

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