

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40827 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- ITARHI District- Buxar

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Ankit Kumar, Son of Lakshman Prasad @ Lakshman Sahu Resident of
Village - Dehariya, P.s.- Itarhi, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-10-2022 Mr. Ajay Kumar Singh, learned counsel for the

petitioner and the learned APP for the State are present through

virtual mode in view of COVID-19.

Mr. Ajay Kumar Singh, learned counsel for the
petitioner submits that the client has taken no objection
certificate from him and as such his name be expunged.
Accordingly ordered.

No Vakalatnama has been filed, nor anyone has
appeared on call representing the petitioner.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Itarhi P.S. Case No.102 of 2022 instituted under Section
20(b)(II)(B), 29 of the NDPS Act.

As per the prosecution story, upon information the



motorcycle was intercepted and upon check from a black bag 2 Kg. 50 Gm. 'Ganja' kept in two packets were recovered. Accordingly, seizure list made, FIR instituted and the petitioner was taken into custody.

As per the averment made in the bail application, the petitioner do not carry any criminal antecedent, is in custody since 06.04.2022 and the recovery is of 2 Kg. 50 Gm.

Mr. Jitendra Kumar Singh, learned APP has gone through the seizure list and have confirmed that the recovery/seizure is 2 Kg. 50 Gm.

Taking into account the aforesaid fact that the petitioner do not carry criminal antecedent, recovery is of 2 Kg. 50 Gm, charge-sheet stands submitted and he is custody since 06.04.2022, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Itarhi P.S. Case No.102 of 2022 to the satisfaction of learned District Judge-cum-Special Court, N.D.P.S. Act, Buxar, subject to 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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