

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51845 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- ARA RAIL P.S. District- Bhojpur

Nikki Kumar Prasad S/o Late Nand Prasad R/o Village- Bateshwar Gali,
Purandarpur, House of Vinay Yadav, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay

For the Opposite Party/s : Mr. Braj Kishore Pd.(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 21(B) of N.D.P.S. Act.

According to prosecution case, there is recovery of 45 pouches of Heroin, containing 9 grams.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that 45 small pouches containing 09 grams of Narcotic recovered from the possession of the petitioner which was



suspected to be Heroin. He further submits that as per the notification issued under the NDPS Act, 1985, the commercial quantity of Heroin has been defined as 250 grams, thus it is apparent that the quantity of Heroin recovered from the petitioner is less than the commercial quantity, hence there is no bar for this Court to grant the privilege of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the recovered article is Heroin which confirms in the F.S.L. report.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ara Rail P.S. Case No. 13 of 2021 arising out of N.D.P.S. Case No. 10 of 2021, subject to 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, 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 his 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)

mdrashid/-

U		T	
---	--	---	--

