

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52449 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- DIGHA District- Patna

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Kundan Kumar Son of Jitendra Kumar R/O Bans Kothi, Gate No. 95 (Ward No. 2/13), P.S.- Digha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-07-2022 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 20/22/8 (C) of the N.D.P.S. Act, 1985.

Recovery is of 09 gms of brown sugar as well as Rs. 1350/- from the room of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and 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 09 gms of



brown sugar has been recovered from the room of the petitioner apart from that total Rs. 1350/- also recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that in fact the petitioner had took the room on rent by the owner of the house and on the date of occurrence he was not shifted to the room in question and the recovery substance is less than the commercial quantity and Section 37 of the N.D.P.S. Act has not come on the way to grant the bail to the petitioner. He further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.02.2021.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the seized article is *Heroin*.

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 Special Case No. 21 of 2021 arising out of Digha P.S. Case No. 127 of 2021, 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 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 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 his criminal antecedents, 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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