

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45897 of 2022

Arising Out of PS. Case No.-422 Year-2021 Thana- BIRPUR District- Supaul

Pintu Kumar Yadav Son Of Sri Jai Prakash Yadav R/O Village- Jirwa, Ward
No.-2, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Giri, Advocate
For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Birpur
P.S. Case No.422 of 2021 registered for the offences punishable
under Sections 8, 20(b)(iii) B and 22(b) of the N.D.P.S. Act.

As per the prosecution, the informant along with other
police personnel were on regular patrolling duty meanwhile
apprehended two persons who disclosed the name of this
petitioner from whose possession 53.10 grams of narcotic
material suspected to be *Heroin* was recovered.

The main submissions advanced by the learned



counsel Mr. Satish Kumar Giri appearing for the petitioner are that the petitioner has fair and clean antecedent and he is a young person and languishing in jail since 06th December, 2021 and the alleged seized suspected to be narcotic material is a much below than the commercial quantity of 250 grams and in the petitioner's case no progress has been made in respect of trial of the petitioner and one co-accused named Biren Kumar Yadav has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 40609 of 2022.

Learned APP Mrs. Anita Kumari appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list. The instant matter relates to recovery of narcotic material suspected to be *Heroin* and allegedly 53 grams of alleged narcotic material was recovered from the possession of this petitioner and the said quantity comes under the purview of lesser than commercial quantity and petitioner has fair and clean antecedent as mentioned in his petition and the seizure memo shows that most of the witnesses who are to be examined in the trial of the petitioner are official persons and as per the above submission no progress has been made in the trial of the petitioner by the Court below while the petitioner has been



languishing in jail since 06th December, 2021. Considering all these facts and mainly taking into account the petitioner's custody period and his clean antecedent and also the fact that petitioner's case is at initial stage and there is no possibility of tempering with the witnesses by the petitioner as all the material and important witnesses of the prosecution are Government officials, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Birpur P.S. Case No.422 of 2021 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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