

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56034 of 2021**

Arising Out of PS. Case No.-372 Year-2021 Thana- DARIYAPUR District- Saran

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MANIBHUSHAN KUMAR S/o SAJJAN SINGH R/o VILLAGE-  
SITALPURDIH, P.S- DIGHWARA, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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

2      27-01-2022                      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 the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Dariyapur P.S. Case No. 372 of 2021 registered for the offence under Sections 20 and 21 of the N.D.P.S. Act.

Recovery is of 2600 Milligram of Smack.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. itself that total 2600 milligram of alleged heroin has been recovered from the possession of the petitioner. He further submits that as



per notification issued under the N.D.P.S. Act, 1985, the small quantity of heroin has been specified as 5 grams, whereas the commercial quantity has been specified as 250 grams. In fact, in this case, the total recovery is of 2600 milligram i.e. 2.6 gram as per seizure list, thus, it is apparent that the quantum of alleged heroin recovered from the possession of the petitioner is less than even the maximum limit of small quantity and the same does not fall within the purview of commercial quantity, hence, there is no bar for this Court to grant the privilege of bail to the petitioner. The petitioner is rotting in judicial custody since 08.08.2021.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Sessions Judge- cum- Special judge, Saran at Chapra in connection with Dariyapur P.S. Case No. 372 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)**

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