

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.48140 of 2022**

Arising Out of PS. Case No.-391 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Ajeet Kumar @ Ajeet Yadav Son of Hari Kishore Ray R/V- Patiyasa, P.S-  
Ahiyapur, Dist- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      09-12-2022                      Learned counsel for the petitioner undertakes to  
remove all the defects as pointed out by office within two weeks  
from today.

Heard learned counsel for the petitioner and Mr.  
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in  
connection with N.D.P.S. Case No.124/2022 arising out of  
Ahiyapur P.S. Case No.391/2022 registered for the offences  
punishable under Sections 8(c) and 21(a) of the N.D.P.S. Act.  
He is in custody since 14.05.2022. The petitioner has got no  
criminal antecedent.

Learned counsel for the petitioner submits that as per  
the prosecution story, 11 puriyas of smack like substance  
weighting 5 gm was recovered from the possession of the



petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the quantity of smack is much less than the commercial quantity, hence, rigours of Section 37 of the N.D.P.S. Act would not be attracted. It is submitted that the petitioner is in custody in connection with this case since 14.05.2022 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits that the alleged quantity of smack recovered from the possession of the petitioner is much less than the commercial quantity and the rigours of section 37 of the N.D.P.S Act would not be attracted and further that the petitioner has remained in custody since 14.05.2022 having no criminal antecedent and there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No.124/2022 arising out of Ahiyapur P.S. Case No.391/2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

**(Rajeev Ranjan Prasad, J)**

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