

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50287 of 2022**

Arising Out of PS. Case No.-61 Year-2022 Thana- JALALGARH District- Purnia

RAUSHAN KUMAR @ ROSHAN KUMAR S/o Akhileshwar Kumar Singh
Resident of Village- Kaushik Nagar, Ward No.4, P.S.- Madhubani, District-
Purnea. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Kumari, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 09-12-2022 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP who represents the State in
Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 8 (c)
21(c)/25/29 of the NDPS Act, in connection with Special Case
No. 20 of 2022 arising out of Jalalgarh P.S. Case No. 61 of
2022.

As per the FIR, the police upon secret information
of the delivery of intoxicated materials, after 'Sanha' entry, the
police deputed a Magistrate and accordingly, kept waiting for
the vehicle. Once the vehicle was sighted, it was intercepted,
the accused persons tried to flee but nabbed and upon search, it
is alleged that from the petitioner herein amongst other 100
grams of 'Smack' was recovered.



Learned counsel for the petitioner submits that he is a young boy, a student, aged 20 years and is preparing for competitive exam and made it a habit to visit local temple every day and the police at that time was present there and in a melee he was also picked up and the 100 grams of 'Smack' recovery has been made against him. It is his further submission that he do not have any criminal antecedent and is in custody since 29.3.2022 (as stated in para-16 of the bail application).

Upon query, the learned APP Mr. Jitendra Kumar Singh submits that under the NDPS Act, the 'Smack' comes under the category of 'Heroin' and the commercial quantity is 250 grams.

Taking into account the aforesaid facts as also that he is in custody since 29.3.2022, the charge-sheet stands submitted and he do not have criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Special Court Additional District Judge 4th in connection with Jalalgarg P.S. Case No. 61 of 2022 with Special Case No. 20 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

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

