

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64828 of 2021**

Arising Out of PS. Case No.-506 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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NILESH KUMAR @ ATMA YADAV S/O PRAHLAD YADAV R/o village-
Adarsh Colony Surkikol, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2022 Heard learned counsel for the parties in Virtual Court
proceeding.

Let the defect(s), as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical Court.

The petitioner is in judicial custody in Kotwali
(Barari) P.S. Case No. 506/2021 & N.D.P.S. Case No. 54/2021
under Sections 20 & 22 of the N.D.P.S. Act.

The allegation against the petitioner herein is that the
police intercepted the accused persons and upon search so far as
this petitioner is concerned, fifteen pouches of three gm. of
smack like substance recovered. Accordingly, he was taken into
judicial custody after completion of the formalities. The



petitioner submits that he does not have any criminal antecedent and further there is no compliance of the different sections of the N.D.P.S. Act, and as such, the seizure list does not have any evidentiary evidence.

Taking into the account, the aforesaid fact and also that the charge-sheet has been submitted the police has seized pouches being three gms. of smack like substance with further fact that the petitioner has no criminal antecedent and is in judicial custody since 05.08.2021, this Court is inclined to grant privilege of bail to the petitioner. However, if it is found by the learned Court below that the petitioner does have any criminal antecedent, this bail order shall become inoperational.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- with two sureties of the like amount to the satisfaction of learned Session Judge, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 506/2021 & N.D.P.S. Case No. 54/2021, subject to the following condition;

(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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence.

(iv) if he indulges in any criminal offence once again, the State shall be at liberty to take steps for cancellation of his bail bonds;

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

Ranjeet/-

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