

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54672 of 2022**

Arising Out of PS. Case No.-251 Year-2022 Thana- MOUZA HIDPUR District- Bhagalpur

Saurabh Kumar @ Saurabh Kumar Jha Son of Uday Kant Jha Resident of
Village - Hasanganj , P.S.- Babarganj, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

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

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

2 16-12-2022 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. 82 of 2022 arising out of Mojahidpur (Babarganj) P.S. Case No. 251 of 2022 dated 12.07.2022 registered for the offences punishable under Sections 21(b), 22(b) and 25 of the N.D.P.S. Act. He is in custody since 17.08.2022. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 11.07.2022, the S.H.O. of Babarganj after receiving information that one Saurabh Kumar Jha is selling intoxicating substance, submitted a written report regarding this and the police party raided the house of said Saurabh Kumar Jha whereupon two persons namely Rakesh



Kumar and Mukesh Kumar @ Applla were caught and one Saurabh Kumar Jha (petitioner) managed to escape. It is further submitted that on search of the house, total 13 packets i.e. 3.22 grams of Brown Sugar was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is in custody since 17.08.2022.

Learned counsel submits that the quantity of brown sugar recovered is much less than the commercial quantity, hence, rigours of Section 27 of the N.D.P.S. Act would not be attracted.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that 3.22 grams of brown sugar is less than the commercial quantity and there being no opposition on this issue by the State, the petitioner has no criminal antecedent, he has remained in custody since 17.08.2022 and the rigours of Section 37 of the NDPS Act is not attracted, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the



like amount each to the satisfaction of learned District & Sessions Judge, Bhagalpur in connection with N.D.P.S. Case No. 82 of 2022 arising out of Mojahidpur (Babarganj) P.S. Case No. 251 of 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 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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