

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66859 of 2021

Arising Out of PS. Case No.-278 Year-2021 Thana- PHULWARISHARIF District- Patna

MANISH KUMAR Son of Arun Prasad Resident of Mohalla -
Aadharshnagar, (70) Sattar Feet Road, P.S. - Beur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 20 and 22 of the Narcotic
Drugs and Psychotropic Substances Act, 1985.

Learned A.P.P. files a counter affidavit in compliance
of the order dated 13.04.2022 and very fairly submits that the
counter affidavit records that the narcotics were not weighed nor
the FSL report till date has been received.

Considering the submissions made by the learned
counsel for the petitioner as recorded in the order dated
13.04.2022 that the narcotics were not weighed and, as such, the
implication of the petitioner in the present case was made only



with a view to falsely implicate him as it is only the weight of the narcotics which decipher whether the alleged narcotics were of small quantity or of commercial quantity or of less than commercial quantity or less than small quantity.

Since the narcotics were not weighed, as such, it is difficult to ascertain that the alleged recovery as disclosed in the FIR is more than small quantity, as such, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 30 of 2021 arising out of Phulwari Sharif P.S. Case No. 278 of 2021, one of the bailors of the petitioner shall be his father Arun Prasad and further if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial then in that event the learned court below shall forthwith cancel the bail bond of the petitioner by recording reasons.

(Satyavrat Verma, J)

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