

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67801 of 2021

Arising Out of PS. Case No.-241 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

Chandan Kumar @ Chandan Kumar Yadav, Son of Late Ram Ayodhya Yadav
Resident of Village - Vikrampur, P.S.- Fatuhan, Distt.- Patna, Bihar, At
Present C/o Mithilesh Sharma, Village - Kurthaul, P.S.- Parsa Bazar, Dist.-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajay
Kumar Jha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Special P.S. Case No. 62/2021 arising out of
Ram Krishna Nagar P.S. Case No. 241 of 2021 registered for the
offences punishable under Section 8(c)/21(c)/25/29 of the
Narcotic Drugs and Psychotropic Substances Act. He is in
custody since 01.07.2021 having no criminal antecedent as
stated in paragraph '3' of the application.

As per the prosecution story, the informant has



alleged that while he was on patrolling duty along with other police personnel, received secret information that someone is smuggling brown sugar on black scooty at Ram Krishna Nagar. He reached at that place and after sometime one person was caught by police who disclosed his name as Chandan Kumar (the petitioner) and from his possession 150 gram of brown sugar type substance was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the rigours of Section 37 of the N.D.P.S. Act is not attracted in the present case.

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

Having regard to the submission that in this case neither the F.I.R. has been lodged under Sections 19, 24 or Section 27-A of the N.D.P.S. Act nor the quantity of ganja is of commercial quantity and, thus, the rigours of Section 37 of the N.D.P.S. Act would not be attracted, the submission on behalf of the petitioner having remained uncontroverted by learned A.P.P. for the State and upon finding that the petitioner is in custody in connection with this case since 01.07.2021, he has otherwise no criminal antecedent and his presence may also be secured in



course of trial, 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 Additional Sessions Judge-XVII, Patna in connection with Special P.S. Case No. 62/2021 arising out of Ram Krishna Nagar P.S. Case No. 241 of 2021, 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

