

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69024 of 2021

Arising Out of PS. Case No.-402 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

KISHAN KUMAR S/O LATE VINOD SAH R/o village- Manikchak, P.S.-
Runnisaidpur, District- Sitamardhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
NDPS Case No. 72 of 2021, arising out of Ahiyapur Police
Station Case No. 402 of 2021, registered for the offences
punishable under Sections 20/22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information that
three persons were consuming smack in a lichi orchard,
proceeded towards the place of occurrence and arrested the
petitioner along with two other accused persons and from the
possession of the petitioner, 20 sachets of smack was recovered
and from the possession of other two co-accused persons, 10



sachets and 20 sachets, respectively, of smack were recovered.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that at the time of search and seizure, the provision prescribed under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 has not been followed and from perusal of the First Information Report, it would be evident that at best the petitioner was found consuming smack. He further submits that the petitioner is in custody since 22.06.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the quantity of smack recovered from the possession of the petitioner has not been disclosed by the police, charge sheet has already been submitted and the petitioner is in custody since 22.06.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge -cum- Special Judge, NDPS, Muzaffarpur, in connection with NDPS Case No. 72 of 2021, arising out of Ahiyapur Police Station Case No. 402 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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