

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69251 of 2021

Arising Out of PS. Case No.-397 Year-2021 Thana- PATRAKARNAGAR District- Patna

Shubham Tiwari, Son of Sri Rajesh Tiwari, Resident of Mohallah-
Munnachak, Behind Commerce College, P.S.- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Patrakar Nagar P.S. Case No. 397 of 2021 registered for the alleged offences under Sections 22(b) and 27A of the N.D.P.S. Act.

As per prosecution case, two persons riding on a motorcycle, tried to run away with motorcycle on seeing the police party, but fell down on the motorcycle getting unbalanced. Finding their activities suspicious, they were checked and from the co-accused Chandan Kumar 10 grams of



brown sugar and from this petitioner who is the other apprehended person, a motorcycle and Rs.10,500/- were recovered. It was stated to be proceeds of sale of the psychotropic substance.

The learned counsel for the petitioner submits that nothing incriminating has been recovered from the possession of this petitioner and no recovery of contraband has been made from him. There is no material to show that the petitioner was engaged in or dealing with the narcotic drug or psychotropic substance. None of the procedures related to search and seizure have been followed in this case. The petitioner is in custody since 27.07.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that sale proceeds were recovered from this petitioner, who was apprehended from the spot and the petitioner is having criminal antecedents.

Perused the records.

Having regard to the submissions made on behalf of the parties and considering the fact that the no recovery of any narcotic and psychotropic substance has been made from this petitioner and also considering his period of custody and the submission of charge-sheet, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII, Patna in connection with Patrakar Nagar P.S. Case No. 397 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Rajesh Tiwari, elder brother of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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