

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70490 of 2021

Arising Out of PS. Case No.-469 Year-2021 Thana- GAYA MUFASIL District- Gaya

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ALOK KUMAR, S/o Vinod Singh @ Binod Kumar, R/o Village- Barchaita,
P.S.- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
		Mr. Shankar Kumar, Advocate
For the Opposite Party/s :		Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 21-11-2022 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.

In the present case, the petitioner seeks bail in

connection with N.D.P.S. Case No. 69 of 2021 arising out of

Mufassil P.S. Case No. 469 of 2021 registered for the alleged

offences under Sections 20(II) and 22(C) of the Narcotic

Drugs and Psychotropic Substance Act, 1985.

As per prosecution case, police received secret

information about a dealing of brown sugar by the persons on

two motorcycles bearing nos. BR-02AG-6844 and BR-02AS-

1913. A raid was conducted. Both the motorcycles were

intercepted and from the motorcycle bearing no. BR-02AS-1913, 2200 *gms* of brown sugar was recovered. The petitioner and two other co-accused persons were apprehended from the spot.

Learned counsel for the petitioner submits that petitioner has nothing to do with the motorcycle from which seizure of the narcotic substance has been shown. A supplementary affidavit has been filed on record which shows the motorcycle from which recovery has been made belongs to co-accused person Suman Kumar whereas the motorcycle bearing no. BR-02AG-6844 belongs to the uncle of this petitioner and the petitioner was driving the said motorcycle. So, nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner has no concern with other co-accused persons or the seized contraband. Charge sheet has been submitted in this case and the petitioner is in custody since 13.09.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner and others were dealing in psychotropic substance which was recovered from the motorcycle of the co-accused.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from him and further considering lack of material available on record to show the connection of the petitioner with the recovery of the contraband and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Sessions Judge-cum-Special Judge, N.D.P.S. Act, District-Gaya in connection with N.D.P.S Case No. 62 of 2019 arising out of Imamganj P.S. Case No. 150 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

Gautam/daya

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