

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71022 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- BAISI District- Purnia

Sujit Kumar Son Of Sri Umesh Singh Resident Of Village- Naya Tola
Belouri, P.S- Sadar, Dist- Purnea

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 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 Ms.
Nirmala Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Special (NDPS) Case No. 70 of 2021 arising
out of Baisi P.S. Case No. 272 of 2021 registered for the
offences punishable under Section 8(C) and 21(b) of the
Narcotic Drugs and Psychotropic Substances Act, 1985. The
petitioner is in custody since 20.09.2021 and has no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, while the informant was involved in
vehicle checking intercepted two persons, namely, Rohit Kumar



@ Nandu and Sujit Kumar (the petitioner) riding on one Bajaj Motorcycle bearing no. BR 11AA-3028 and on being searched 72 grams smack like substance was recovered from Rohit Kumar @ Nandu.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged narcotics substance has been allegedly recovered from the possession of co-accused Rohit Kumar @ Nandu and not from this petitioner. The petitioner has been made accused only because he was sitting on the vehicle in question. The petitioner has remained in custody since 20.09.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the recovery of the alleged narcotics substance has been made from the possession of co-accused Rohit Kumar @ Nandu and not from this petitioner, the petitioner has been made accused only because he was sitting on the vehicle in question and further that the petitioner who has otherwise no criminal antecedent has remained in custody since 20.09.2021, investigation against him is complete and his presence may be secured in course of trial,



this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Special (NDPS) Case No. 70 of 2021 arising out of Baisi P.S. Case No. 272 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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

