

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71864 of 2021

Arising Out of PS. Case No.-591 Year-2021 Thana- AHİYAPUR District- Muzaffarpur

Suraj Kumar, Son of Raj Kishor Sahni, Resident of Village - Sahbajpur,
Police Station - Ahiyapur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 591 of 2021(N.D.P.S. case No. 123 of 2021) registered for the offences punishable under Sections 8/20 (b) (ii) B of the Narcotic Drugs and Psychotropic Substances act. He is in custody since 05.09.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, 13 puriya of smack has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the recovered smack is less than the commercial quantity. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 05.09.2021.

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 13 puriya of smack is much less than the commercial quantity and in this case, the rigours of Section 37 of the NDPS Act would not be attracted and further that the petitioner has remained in custody since 05.09.2021, 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 (N.D.P.S)-cum-8th Additional District and Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 591 of 2021 (N.D.P.S Case No. 123 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.

(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’.

