

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8147 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- PHULWARISHARIF District- Patna

VIKASH KUMAR Son of Rajeshwar Rai Resident of Village- Uffarpura,
P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special Case No. 110 of 2022, arising out of Phulwarisharif
Police Station Case No. 707 of 2022, dated 20.06.2022,
registered for the offences punishable under Sections 8(c)/21 (b)
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
some persons were consuming and selling smack, proceeded
towards the place of occurrence and arrested three persons,
including the petitioner and from them, a total quantity of 33.39
gms. of brown sugar was recovered, kept in a sachet. 12.72 gms.
of brown sugar has been recovered from the possession of the



petitioner.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and there is no likelihood that the petitioner will commit any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, after release on bail. He further submits that the quantity of brown sugar recovered from the possession of the petitioner is less than the commercial quantity. He further submits that the petitioner is in custody since 21.06.2022 and charge sheet has already been submitted against him and 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 brown sugar recovered from the possession of the petitioner is less than the commercial quantity, charge sheet has already been submitted and the petitioner is in custody since 21.06.2022, 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. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of learned 24th Additional Sessions Judge, Patna, in connection with Special Case No. 110 of 2022, arising out of Phulwarisharif Police Station Case No. 707 of 2022,.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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