

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4946 of 2023

Arising Out of PS. Case No.-1005 Year-2022 Thana- DANAPUR District- Patna

Nitish Kumar Son of Uday Singh @ Uday Singh R/V- Ward No. 76
Gangasagar, P.S- Tikari Dist- Gaya. At present Khaira Toli, P.S- Parsa Bazar
Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-03-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 184 of 2022 arising out of Danapur P.S. Case
No. 1005 of 2022, lodged under Sections 290/379 of the Indian
Penal Code read with Section 21(a) of the N.D.P.S. Act.

As per prosecution case, the F.I.R. has been lodged
against 3 named accused persons from whose possession the
brown sugar (smack) has been recovered in different quantities.
From the possession of petitioner, 2 *puriya* (0.36 gram of
smack) has been recovered.



Learned counsel for the petitioner submits that the said quantity i.e. 0.36 gram of smack in 2 *puriya* is basically less than the smaller quantity (as the smaller quantity is 5 gram), as per N.D.P.S. Act. He further submits that antecedent of petitioner is clean and he is in custody since 19.09.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, X, Patna in connection with Special Case No. 184 of 2022 arising out of Danapur P.S. Case No. 1005 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall



file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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