

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4199 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- JOGBANI District- Araria

DIPU MALLIK @ DIPU KUMAR MALLIK Son of Narayan Mallik, R/o
Araria Bus Stand, Mallik Tola, Ward no. 16, P.S and Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 26-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Special (NDPS) Case No. 51 of 2022, arising out of Jogbani P.S. Case No. 393 of 2022, registered for offence punishable under Sections 21(b)/8/17(c)/18(c) of the NDPS Act.

As per allegation, 95 grams of brown sugar was recovered from the possession of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is under custody for four and half months and the quantity of alleged brown sugar is much below the commercial quantity. He has also submitted that the petitioner is not involved in similar nature of cases.

Considering the above-mentioned facts and circumstances as well as the period of custody, let the petitioner



above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Special (NDPS) Case No. 51 of 2022, arising out of Jogbani P.S. Case No. 393 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.
- (iii) The petitioner shall remain present physically before the court below on each and every date till conclusion of the trial and his failure to physical appearance shall lead to cancellation of his bail bond.**

(Nawneet Kumar Pandey, J)

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