

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6088 of 2023

Arising Out of PS. Case No.-496 Year-2022 Thana- PATLIPUTRA District- Patna

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Arun Kumar Yadav Son of Shree Ram Babu Ray @ Ram Babu Rai Resident
of village- Sherpur, P.S.- Maner, District- Patna at present Indrapuri Road
No.-15, House No.-1, Renter of Santosh jee, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.08.2022 in connection with Special N.D.P.S. Case No.141 of
2022 arising out of Patliputra P.S. Case No. 496 of 2022, F.I.R.
dated 19.08.2022 for the offences punishable under Sections
8(C), 22(b) of the N.D.P.S. Act.

Recovery is of 63 grams of Brown Sugar from the
possession of the petitioner and co-accused, namely, Vishal
Kumar.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that bare perusal of the F.I.R. as



well as seizure list that nothing incriminating article has been recovered from the possession of the petitioner rather the recovery has been made from the co-accused namely, Vishal Kumar. He further submits that as per seizure list that altogether 63 grams of Brown Sugar has been recovered from possession of co-accused person namely, Vikash Kumar and there is non-compliance of Section 50 of N.D.P.S. Act and as per allegation that the petitioner has throw the article (contraband) which was in his possession. He further submits that the recovered contraband is less than the commercial quantity but more than the small quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-XIII, Patna in connection with Special N.D.P.S. Case No.141 of 2022 arising out of Patliputra P.S. Case No. 496 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step 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.

(Rajesh Kumar Verma, J)

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