

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6521 of 2023

Arising Out of PS. Case No.-866 Year-2022 Thana- DANAPUR District- Patna

ROCKY KUMAR, Son of Manohar Rai @ Manohar Ray, R/v- Saguna,
Nandipar (Nadipar), P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023

List of these matters has been notified today.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Danapur P.S.
Case No. 866 of 2022 registered for the offence punishable under
Sections 399, 402, 201 and 120B of the Indian Penal Code, Sections
25(1-b)a, 26 and 35 of the Arms Act and Section 21(a) of the
N.D.P.S. Act.

As per the prosecution case, police personnel on secret
information, raided the alleged hotel and apprehended this petitioner
with other accused persons and upon search, recovered 2 gm of
contraband suspected to be “Brown Sugar” from the possession of
this petitioner.

Learned counsel for the petitioner submits that as per the



seizure list attached to the FIR, only 2 gm narcotic material suspected to be “Brown Sugar” is alleged to have been recovered from the possession of this petitioner and the said contraband comes in the purview of small quantity. Against the petitioner, there is criminal antecedent of one case which was lodged under the offences of Arms Act in which the petitioner is on bail. In the present matter, the petitioner has been languishing in custody since 20.08.2022. Moreover, investigation is also complete and as such there is no chance of tampering of evidence. Similarly situated co-accused Utkarsh Kumar has been allowed bail in *Cr. Misc. No. 7156 of 2023*.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, claim based on parity, small quantity of contraband substance and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII, Patna, in connection with Danapur P.S. Case No. 866 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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