

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8766 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- NAUBATPUR District- Patna

Salin Kumar @ Prince S/O Nand Kishore Sharma r/v- Fatehpur, P.S.-
Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotic Control Bureau New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kumar Amitesh Chandra, Advocate
For the Opposite Party/s : Mr. Amritanshu, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special
Case No. 159 of 2022 (N.D.P.S. Case No. 185 of 2022),
arising out of Naubatpur P. S. Case No. 547 of 2022,
registered for the offences punishable under Sections 8(C)
and 21(B)(C) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

As per allegation, total 19 gm. of smack has been
recovered from the possession of the petitioner and his
associates.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that only 9 gm. of smack has been recovered from the possession of the petitioner which is much less than the commercial quantity. He further submits that search and seizure has not been made as per the procedure as prescribed under N.D.P.S. Act.

He further submits that the petitioner has been languishing in jail since 20.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. Additional Sessions Judge – XXV, Patna, in connection with Special Case No. 159 of 2022 (N.D.P.S. Case No. 185 of 2022), arising out of Naubatpur P. S. Case No. 547 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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