

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8899 of 2023

Arising Out of PS. Case No.-593 Year-2022 Thana- ARWAL District- Jehanabad

ANUJ KUMAR S/O DHARMDEV SINGH Resident of village- Aslanpur
Kutiya, P.S.- Arwal, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through Narcotics Commissioner, New Delhi. New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 07.12..2022, in connection with N.D.P.S. Case No. 21 of 2022 arising out of Arwal P.S. Case No. 593 of 2022, F.I.R. dated 06.12..2022 registered for the offences punishable under Sections 8(c), 21(b) and 22(d) of Narcotic Drugs and Psychotropic Substances Act.

Recovery is of 4.90 Grams of *Smack (Heroin)* from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it



appears from the F.I.R. as well as seizure list that altogether 4.90 Grams of Smack (Heroin) has been recovered from the possession of the petitioner. He further submits that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that similarly situated co-accused person namely Sushil Kumar @ Nilu Singh from whom 13 Grams of Smack has been recovered has been granted bail by a Coordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 20354 of 2023. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.12.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is Smack (Heroin) but fairly submits that the recovered Smack is less than the commercial quantity.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



learned Sessions Judge, Jehanabad, in connection with N.D.P.S. Case No. 21 of 2022 arising out of Arwal P.S. Case No. 593 of 2022, with 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 witness, 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 antecedents, 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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