

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22183 of 2023

Arising Out of PS. Case No.-568 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Shubham Rai, S/O Binod Rai, Village- Ratanpura Ps- Bhagwan Bazar Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bhagwan Bazar P.S. Case No. 568 of 2022 registered for the alleged offences under Sections 20 and 22 of the NDPS Act.

3. As per prosecution case, the petitioner and other co-accused were apprehended while selling smack. From the possession of this petitioner, six sachet of smack like substance weighing 5.27 gram and from the co-accused 7.73 gram of smack were recovered apart from cash amount of Rs. 1500/-.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the con-



scious possession of this petitioner. Weight of the recovered article has been counted with the weight of the sachet (*puriya*) so it is not clear that what was the actual quantity. Moreover, the recovered quantity of smack is much below the commercial quantity. There is complete violation of Section 50 of the N.D.P.S. Act. The petitioner is in custody since 03.12.2022 charge sheet has already been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedent of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and further taking into account the quantity of contraband recovered from this petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Court of learned 1st Additional Sessions Judge-cum-Special Judge, Saran, Chapra in connection with Bhagwan Bazar P.S. Case No. 568 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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