

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24623 of 2023

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

Prakash Kumar S/O- Shrawan Pandit Resident Of Ward No 12, Sultanpur
Koyani Tola Dihuli Narhi Ps-Danapur, Dist- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with NDPS
P.S. Case No. 157 of 2022, P.S. Danapur Case No. 866 of 2022
registered for the offence under Sections 399, 402, 201, 120(b)
of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the
Arms Act and Section 21(a) of the Narcotics Drugs and
Psychotropic Act, 1985.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 20.08.2022.

5. The allegation against the petitioner is to involve in
preparation for committing dacoity alongwith other co-accused



persons and while preparing so, he found in possession of 0.62 grams of *brown sugar* like substance, where co-accused were also found in possession of firearms.

6. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner with present case for preparation for committing dacoity is only for the reason as he found in possession of contraband i.e. *brown sugar* like substance. It is submitted that to established a *prima facie* case for preparation for committing dacoity, a different legal ingredients are required to be established. It is submitted that as recovered quantity is less than smaller quantity, where maximum punishment is extendable up to one year and as such also implication of Section 37 of the NDPS Act not appears to be applicable in present case. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail submitted that petitioner is a man of clean antecedent, as no case is pending against petitioner in Danapur police station, except present one as informed by SHO, Danapur.



8. Considering the facts and circumstances as mentioned above and by taking note of fact as implication of this petitioner with present allegation *qua* preparation for committing dacoity, *prima facie*, only for the reason that he found in possession of 0.62 grams of *brown sugar* like substance, which is less than smaller quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.08.2022, accordingly, petitioner above named, is directed to be released on bail in connection with NDPS P.S. Case No. 157 of 2022, P.S. Danapur Case No. 866 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge (NDPS Act), Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

9. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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