

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21518 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- KOTWALI District- Patna

Bablu Rajak @ Andi S/O- Late China Rajak Village- Yarpur Gumti Near Pull
Down Jhoparpati Ps- Gardanibagh Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwari

For the Opposite Party/s : Mr.Umanath Mishra

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.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Special Case o. 124 of 2022 arising out of
Kotwali P.S. Case No. 412 of 2022 registered on 27.07.2022 for
the alleged offences under Sections 8(c)/21(b) of NDPS Act,
1985 of the Indian Penal Code.

04. As per prosecution case, the petitioner was
apprehended with 16 grams of smack (brown sugar) kept in 36
sachets.

05. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the possession of this petitioner and so called recovery is in violation of the provisions under the NDPS Act. Moreover, the recovery shown from this petitioner is much less than the commercial quantity. The petitioner is in custody since 28.07.2022 and charge-sheet has been submitted. The petitioner has got one criminal antecedent.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the smaller quantity of contraband shown to be recovered from the petitioner and further 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 bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XVIII, Patna in connection with Special Case No. 124 of 2022 arising out of Kotwali P.S. Case No. 412 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 for 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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