

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31154 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- JAKKANPUR District- Patna

Bittu Kumar S/O- Rajesh Kumar, R/o Naya Tola, Saristabad, Shanti Path,
Mahadevpuri, Ward No. 14, P.S. Gardanibagh, Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Narcotics Department Bihar
2. The Union of India Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr.Dr. Krishna Nandan Singh,A.S.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
20.05.2022 in connection with Special Case No.67 of 2022
arising out of Jakkanpur P.S.Case No.265 of 2022, F.I.R.dated
19.05.2022 registered for the offence under Sections 414 of the
Indian Penal Code and Sections 20(b)(ii) (A) (B) N.D.P.S. Act.

3. According to prosecution case, total 25 grams of
brown sugar in 50 purias have been recovered from the joint
possession of the petitioner and other co-accused namely, Sonu
Kumar.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case. He further submits that from a bare perusal of the FIR as well as seizure list that 7.5 grams of brown sugar including the weight of the paper has been recovered from possession of the petitioner and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the co-accused person, namely, Sonu Kumar, against whom the recovery of contraband has also been made, has been granted bail by this Court vide order dated 04.04.2023 passed in Cr. Misc. No.66013 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.05.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case. Further submits that the recovered contraband is confirmed in the F.S.L. report.

Result of Examination:-

“MONOACETYL MORPHINE were detected in the contents of exhibit marked A1 to A10 as described above.

Monoacetyl Morphine is the highly addictive



intoxicating narcotic drug.”.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XI, Patna in connection with Special Case No.67 of 2022 arising out of Jakkanpur P.S.Case No.265 of 2022 with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedent, 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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