

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25734 of 2023

Arising Out of PS. Case No.-759 Year-2022 Thana- KOTWALI District- Patna

Ritik Kumar S/O Sri Pappu Ram @ Pappu Kumar Resident of Village- New Gardinar Road Jhoparpatti P.S.- Kotwali, District- Patna, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kotwali P.S. Case No. 759 of 2022 corresponding to Special (NDPS) Case No. 20/2023 registered on 25.11.2022 for the alleged offences under Section 414/34 of the Indian Penal Code and Sections 8(c) and 21(a) of the NDPS Act.

3. As per prosecution case, police found two persons moving suspiciously and they were apprehended and the petitioner is one of the apprehended persons. From the possession of this petitioner, a stolen laptop and 2.40 gms of smack(brown sugar) were recovered.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Noting incriminating has been recovered from the person or possession of this petitioner and he has got no concern with the seized smack. The search and seizure was made in an unlawful manner and even after information, no gazetted officer was involved during the search. Moreover, the recovery is shown to be 2.40 gms of brown sugar which is less than the small quantity. The laptop shown from the petitioner is not a stolen property. The petitioner is in custody since 25.11.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedent and is accused in two more cases. At this stage, learned counsel for the petitioner submits that petitioner is on bail on both the cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of the contraband seized and further considering his period of custody and the submission of charge-sheet against him, 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 learned Additional District and Sessions Judge-IV, Patna/court



concerned in connection with Kotwali P.S. Case No. 759 of 2022 corresponding to Special (NDPS) Case No. 20/2023, 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)

himanshu/-

U		T	
---	--	---	--

