

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29711 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

ANSHU KUMAR S/O PASHUPATI SINGH Resident of Village- Dan Nagar,
P.S.- Town, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Barauni Rail P.S. Case No. 152 of 2022 for the offence punishable under Section 22(b) of NDPS Act lodged on 19.4.2022 by the informant, Jai Ram.

As per the prosecution story, the police in course of checking at Barauni Railway Station, apprehended the petitioner and recovered/seized 126 tablets of Alprax 0.5 mg. This followed the FIR.

Learned counsel for the petitioner submits that the small quantity is 5 grams whereas the commercial quantity 100 grams but the recovery/seizure is around 63 mg which is below the commercial quantity.

Learned APP opposes the prayer for bail.



Taking into account the aforesaid submission, the fact that the petitioner is 19 years old and is in custody since 20.4.2022, the recovered material is below commercial quantity, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-1st cum Special Judge, NDPS Act, Begusarai, in connection with Barauni Rail P.S. Case No. 152 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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