

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32596 of 2022

Arising Out of PS. Case No.-637 Year-2021 Thana- DIGHA District- Patna

SUNNY SINGH Son of Raj Kumar Singh Resident of Village - Fahimpur,
P.s.- Punpun , Distt.- Patna , Presently Tenant in house of Umesh Rai, Kurji,
Vikash Nagar, P.s.- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-01-2023 Learned counsel for the petitioner is permitted to
make necessary correction in para-1 and prayer portion of the
petition during course of the day.

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

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Digha
P.S. Case No. 637 of 2021, Special Case No. 157/2021 registered
for the offences punishable under Sections 8(C), 20, 22 of the
N.D.P.S. Act.

As per prosecution case, there is alleged recovery of
10 pudiya of brown sugar like substance weighing 5.5 gram from
the left pocket of the petitioner beside other materials.



Learned counsel for the petitioner submits that petitioner is in custody since 31.10.2021 and bears no criminal antecedent. He further submits that petitioner is quite innocent and has not committed any offence and he has falsely been implicated in this case due to ill motive of the informant. He further submits that there is alleged recovery of 5.5 gram brown sugar like substance and FSL report indicates that seized item is Heroin. Small quantity of Heroin is 5 gram and commercial quantity is 250 gram and alleged recovery comes under intermediary quantity which is more than small quantity and less than commercial quantity as per notification of N.D.P.S. Act. Seizure list has not been made as per law. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXVI, Patna in connection with Digha P.S. Case No. 637 of 2021 corresponding to Special Case No. 157 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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