

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36007 of 2023

Arising Out of PS. Case No.-1028 Year-2022 Thana- ARA NAWADA District- Bhojpur

Nitish Kumar Singh Son of Raj Kumar @ Raj Kumar Singh Resident of
Village Nawanagar Ps Udwant Nagar Op Gajrajganj Dist Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 27.11.2022 in connection with Ara Nawada P.S. Case No. 1028 of 2022 for the offence punishable under Sections 21 (b), 29 N.D.P.S. Act lodged on 26.11.2022 by the informant, Suresh Ravidas.

The prosecution story, in brief is that Suresh Ravidas an A.S.I at Ara Nawada Police Station alleged that on the basis of secret information, a raid was conducted on 26.11.2022 at 17.20 hours in the rented house of Khatai Yadav at Maulabag by the police team comprising the deputed Magistrate, the Revenue officer Ara Sadar. It is further alleged that six persons including the petitioners were found there and total 124.54 grams heroine, electronic weighting machine, scissor, aluminum papers etc. were recovered from that house and on search of the persons



present there, seven mobile phones and cash Rs. 2,05,030/- were recovered from their possession. Thus the F.I.R.

It has been contended by the learned counsel for the petitioner that the recovery/seizure of 124.54 gm of heroin from the house of Khatai Yadav and not the personal possession of the petitioner. There were six persons present in the house and so far as the recovery from the personal possession is concerned, only a mobile which belonged to him was recovered/seized. Further the same is below the commercial quantity. Further contention is that some of the accused persons have since been released on bail vide Cr. Misc. No. 22694 of 2023 (Sameer Bidyarthi and Anr. Vs. The State of Bihar) and Cr. Misc. No. 30083 of 2023 (Akash Kumar Singh Vs. The State of Bihar) on 22.05.2023 and 13.06.2023 respectively.

Let the same be kept on record.

Learned APP opposes the prayer stating submitting that there is recovery/seizure of the heroin.

Taking into account the fact that the petitioner do have criminal antecedent from his personal possession there is recovery of mobile, six people present in the house and the quantity of the heroin is below the commercial quantity, he is in custody since 27.11.2022 (as stated in para 15 in the bail



application), 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. 25,000/- (Twenty FiveThousand) with two sureties of like amount each to the satisfaction of Additional Session Judge XIII Bhojpur at Ara, in connection with NDPS Case No. 15/2023 arising out of Ara Nawada P.S. Case No. 1028 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 month for next one year 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)

Ravi/jyoti/-

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