

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35802 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- KHAGARIA District- Khagaria

RAJAN KUMAR S/O DHANO SINGH R/O Village- Mathurapur (Bhagat Tola), P.S- Khagaria, Distt.- 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.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is in judicial custody in connection with Special Case (NDPS) No.13 of 2023 arising out of Khagaria P.S. Case No.223 of 2023 instituted under Sections 21(a), 22(a), 25 NDPS Act lodged on 07.03.2023 by the informant Rajeev Kumar Ranjan.

As per prosecution case, the informant Rajiv Kumar alongwith police personnel got information that co-accused Raja Kumar was selling smack. Police personnel reached at Mathurapur and surrounded the house of Raja Kumar and two persons were apprehended namely Raja Kumar and Rajan Kumar. On search 2.810 gm. Smack was recovered from Raja Kumar and Rajan Kumar. A viral video was sent to informant which showed that a lot of people were purchasing smack



standing in a queue.

Then Police official found the said video from Jaiprakash Nagar and related it to the house of Sunita Devi. Informant went there and searched the house of present petitioner. These co-accused Rohit, Shrikant and Mithun tried to escape but police caught them. Co-accused Shrikant informed that he came to purchase smack and co-accused Mithun was the supplier while co-accused Ram Vilash Yadav, Rohit and Sunita Devi are in the business of selling it.

On search, 24 small Pudiyas were recovered from the possession of Ram Vilash Yadav, Rs.6000/- from the possession of Rohit which according to him was the sell amount. A Vivo company mobile was recovered from the possession of Rahul and 0.360 mg. Smack was recovered from the possession of the petitioner. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has been falsely implicated in this case showing recovery of 2.810 mg. of smack like substance. It is his further submission that in any case, the same is below the commercial quantity for which he has suffered by being in custody since 08.03.2023 (as stated in para-6 of the petition).

Learned APP opposes the prayer for bail alleging that



there is recovery of smack like substance though he concede that the same is below the commercial quantity.

Taking into account the submission put forward by the learned counsel for the petitioner as also the fact that he is in custody since 08.03.2023 and do not have criminal antecedent, this court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Special Case (NDPS) No.13 of 2023 arising out of Khagaria P.S. Case No.223 of 2023 to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS, Khagaria, subject to 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



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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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