

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53824 of 2023

Arising Out of PS. Case No.-419 Year-2023 Thana- KHAJANCHI HAT District- Purnia

MD. MASU @ MASUM @ ROCKY S/O Md. Astak @ Md. Istak R/O
Village- Mariyam Nagar, Ward No. 06, P.S- K. Hat, Distt.- Purnea, PIN-
854301 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhen Sarkar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard Mr. Subhen Sarkar, learned Counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioner is an accused in connection with K.
Hat P.S. Case No. 419 of 2023 registered for the offences under
sections 8(c) and 21(b) of the Narcotic Drug and Psychotropic
Substance act lodged on 03.04.2023 by the informant,
Shyamnandan Yadav.

As per the prosecution story, the allegation is that the
police intercepted/apprehended the accused persons and from
this petitioner allegation is of recovery of 6.3 gms of ‘smack’
and Rs. 4,700/- cash is/are recovery from other accused persons
also. Accordingly, the FIR.



It is the case of the petitioner that even admitting the allegation, the recovery/seizure is much below the prescribed quantity, he do not have criminal antecedent and is in custody since 04.04.2023 (as stated in paragraph 4 of the bail application)

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is recovery of '*smack*'.

Considering the submissions put forward by the learned Counsel for the petitioner as also his period of custody (04.04.2023) 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/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge (NDPS Act), Purnea in connection with K.Hat P.S. Case No. 419 of 2023, 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 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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