

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53540 of 2023

Arising Out of PS. Case No.-346 Year-2023 Thana- MASAUDHI District- Patna

NITISH KUMAR SON OF KAMLESH KUMAR RESIDENT OF VILLAGE
-TEHRI BIGHA, PS- KADIRGANJ, DIST- PATNA AT PRSENT MOH-
KAILUCHAK TENANT IN THE HOUSE OF RAKESH SHARMA, P.S.-
MASAURHI, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Serial Case
No. 93 of 2023 arising out of Masaurhi P.S. Case No. 346 of 2023
registered for the offence under Sections 8, 20(b),(ii)(B) of the
N.D.P.S. Act.

Recovery is of 1 gram of brown sugar.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. and the seizure list, altogether 1 gram of
brown sugar has been recovered from the conscious possession
of the petitioner. He further submits that there is non-compliance
of Section 50 of the N.D.P.S. Act and the recovery of alleged brown



sugar is less than the commercial quantity, therefore, there would not be embargo of Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. The petitioner is rotting in judicial custody since 22.05.2023.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS, Patna in connection with Serial Case No. 93 of 2023 arising out of Masaurhi P.S. Case No. 346 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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