

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53601 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- MASAUDHI District- Patna

SONU KUMAR SON OF SANJAY CHAUDHARY RESIDENT OF
VILLAGE - RAHMATGANJ, P.S. - MASAUHRI, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 23-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 09.04.2023 seeks bail, in connection with Special Case No.112/2023, arising out of Masaurhi P.S. Case No.231/2023, dated 08.04.2023, for the offences punishable under Sections 8/20(b)/(ii)/(B) of the N.D.P.S. Act.
3. According to prosecution case, 2.03 gram of brown sugar without paper has been recovered from the possession of the petitioner.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that 2.03 gram of brown sugar without paper has been recovered from the possession of the petitioner and with paper, the weight of the brown sugar is 3.32 gram



and there is non-compliance of Section 50 of the N.D.P.S. He further submits that the recovered contraband is even less than the commercial quantity, so, there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and co-accused, namely, Golu Kumar @ Mukesh Kumar, from whose possession 2.04 gram of brown sugar was recovered has been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 51983/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional District and Sessions Judge-XXVIII, Patna in connection with Special Case No.112/2023, arising out of Masaurhi P.S. Case No.231/2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled 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.

3. 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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