

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51983 of 2023

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

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GOLU KUMAR @ MUKESH KUMAR SON OF MANOJ THAKUR
RESIDENT OF VILLAGE- MASAURI RAHMATGANJ, PS- MASAURI,
DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Special (NDPS) Case No. 112/2023 arising out of Masaurhi P.S. Case No. 231 of 2023 for the offence punishable under Sections 8/20 (b) (II) (B) of the N.D.P.S. Act lodged on 8.4.2023 by the informant, Ranvijay Kumar.

As per the prosecution story, the police on a secret information that the accused persons are involved in illegal sell and purchase of brown sugar, apprehended them and the allegation is that so far as this petitioner is concerned, 2.04 gram of brown sugar was recovered which finally led to his arrest. There is recovery/seizure from the accused persons also and they were also rounded up.



It is the case of the petitioner that the recovery/seizure is 2.04 brown sugar which is below the commercial quantity and further he do not have criminal antecedent and has remained in custody since 3.5.2023 (para-15 of the petition).

Learned APP opposes the prayer but concedes that the seizure is below the commercial quantity.

Taking into account the submission put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, 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. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XXVIII, Patna, in connection with Special (NDPS) Case No. 112/2023 arising out of Masaurhi P.S. Case No. 231 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 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)

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