

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52376 of 2023

Arising Out of PS. Case No.-458 Year-2023 Thana- FORBESGANJ District- Araria

Subham Kumar Dutta Son of Mangal Dutta Resident of Mohalla-Sultan
Pokhar, Maharam Pratap Chowk, Ward No. 3, P.S.-Forbesganj, District-
Araria, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Special Case No. 39 of 2023 arising out of Forbesganj P.S. Case
No. 458 of 2023 dated 24.05.2023, lodged under Sections 8(c),
21(b) of the N.D.P.S. Act read with Section 30(a) of the Bihar
Prohibition and Excise Act.

4. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons including the
petitioner. It has been alleged that the police party has received
information that one person is selling drugs and wine. Upon

information, police party constituted and raid has been made in the specified village, where three persons including the petitioner were apprehended. Upon search, different materials have been recovered from their possession. From the possession of the petitioner, brown sugar 3.5 gm in addition to one motorcycle and cash money Rs. 3195/- has been recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the other co-accused persons, namely, Mantu Mandal and Aman Kumar Das from whose possession 3.5 gm brown sugar, 36 litre *Dilwale Nepali Sharab*, Indian & Nepali currency alongwith mobile phone have been recovered were granted bail by the Co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. 56295 of 2023.

6. Learned counsel for the petitioner further submits that the petitioner is accused in one criminal case in which he is on bail but he is in custody since 25.05.2023. Counsel further submits that the said brown sugar 3.5 gm is small quantity.

7. Learned counsel for the State opposes the prayer for bail and submits that the other co-accused persons have been granted bail by the Co-ordinate Bench of this Court.

8. In the present facts and circumstances of this case

and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria in connection with Special Case No. 39 of 2023 arising out of Forbesganj P.S. Case No. 458 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--