

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52316 of 2022

Arising Out of PS. Case No.-435 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Lalit Kumar Singh @ Lalit Kumar, aged about 43 years, Gender- Male, Son
of Late Jamun Singh R/V- Bhagwanpur, P.S- Sadar, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Krishna Pd. Singh Sr. Adv. with Mr. Bhaskar Shankar, Adv.
For the State	:	Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-01-2023 Heard learned senior counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with NDPS Case No. 79 of 2021, arising out of Sadar PS Case No. 435 of 2021, registered for the offence punishable under Sections 8(c) and 21(b) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (*for brevity NDPS Act*) and Section 28 of the Arms Act.

As per the prosecution case, there is recovery of contraband, arms and ammunition from the petitioner.

Learned senior counsel drawing attention of the court towards the seizure list, submits that from the petitioner there is recovery of air pistol and pellets, possession of which is not prohibited under the Arms Act. It is alleged that 29 sachets of smack like substance, has been recovered, weighment of the same has been found to be a fraction more than 33 grams. It is submitted that weighment has been done in the packaging and, therefore, is not reliable. Even otherwise, the same is much below commercial quantity (250) grams). The petitioner is stated to be in custody since



25-07-2022. He has been acquitted earlier in Muzaffarpur Sadar PS Case No. 90 of 2014, which case was not for offences under the NDPS Act.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, quantum of recovery and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Sessions Judge-I, Muzaffarpur, in connection with NDPS Case No. 79 of 2021, arising out of Sadar PS Case No. 435 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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