

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53075 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- NAUBATPUR District- Patna

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DIPANKAR KUMAR @ RAUSHAN KUMAR son of Sri Madhusudan
Sharma Village- Sriwar Gopalpur Ps- Naubatpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Spl. (NDPS) Case No. 121 of 2023 arising out of Naubatpur P.S. Case No. 268 of 2023 for the offence punishable under Sections 8(c)/21(b)(c) of N.D.P.S. Act lodged on 27.4.2023 by the informant, Prashant Kumar Bhardwaj.

As per the prosecution story, the allegation is that on secret information, the police raided the place and apprehended the petitioner and further recovered/seized 10 grams of brown sugar from the bag. Accordingly, the case, arrest.

As per the petition, even accepting the same, 10 grams of brown sugar has been recovered which is below the commercial quantity.

Learned APP opposes the prayer stating that recovery



is of brown sugar though concedes that it is below the commercial quantity.

Taking into account the aforesaid fact as also that the petitioner 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-XII, Patna, in connection with Spl. (NDPS) Case No. 121 of 2023 arising out of Naubatpur P.S. Case No. 268 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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