

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59253 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- NAUBATPUR District- Patna

Mritunjay Singh @ Mritunjay S/o Amrendra Singh @ Rangdar Singh R/o
Village-Sheikhpura, P.S.-Naubatpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 21.01.2023, in connection with Special (NDPS) Case No. 63 of 2023, arising out of Naubatpur P.S. Case No. 37 of 2023, F.I.R. dated 20.01.2023 registered for the offences punishable under Sections 8C, 21 B, C of Narcotic Drugs and Psychotropic Substances Act and Section 414 of the Indian Penal Code.

3. Recovery is of 07 Grams of *Smack*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the possession of the petitioner rather recovery has been made from the house of the petitioner and the same is



joint house property of the petitioner and his brother namely Bharat and Shatrughan @ Jataha. He further submits that as per F.I.R. 07 grams Smack like substance has been recovered from the house of the petitioner and there is non compliance of Section 50 of the N.D.P.S. Act and the recovered contraband is more than the small quantity but less than the commercial quantity and the petitioner was apprehended in all the cases as mentioned in paragraph-3 of the bail petition on the ground that the brother of the petitioner namely Shatrughan @ Jataha is a notorious criminal of the areas and due to his brother, the petitioner has been implicated in all the cases as mentioned in paragraph-3 of the bail petition. He further submits that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.01.2023.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one but fairly submits that out of four cases, the petitioner is on bail in one case.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XII, Patna in connection with Special (NDPS) Case No. 63 of 2023 arising out of Naubatpur P.S. Case No. 37 of 2023, with 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 witness, 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 antecedents, 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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