

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57790 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- DAGARUA District- Purnia

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ARVIND KUMAR SINGH S/O BRAHMDEO SINGH RESIDENT OF
VISHWASHPUR (WARD NO. 08), PS- DAGARUA, DISTT- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in judicial custody in connection with Dagarua P.S. Case No. 173 of 2023 registered under Sections 8 (c), 21 (b), 25 and 29 of the NDPS Act lodged on 31.05.2023 by the informant, Ram Chandra Mandal.

3. As per the prosecution story, the allegation is that the police intercepted a car and motorcycle and three persons were apprehended, the petitioner being one of them. Further, from a secret cell of the car, 40 grams smack besides Rs. 30,000/- and a mobile was/were recovered/seized. Further, from the dickey of the



motorcycle, 30 grams smack and Rs. 10,800/- as also mobile recovered from one Rahul Kumar. So far as other accused person, Raju Yadav is concerned, the allegation is that recovery of Rs. 3,780/- and a mobile from the motorcycle. Further, it came to notice through the confession of the accused persons that the petitioner has provided 20 grams of smack to one Mahfooz Alam and his house was also raided and the same was recovered.

4. Learned counsel for the petitioner submits that it is not from his conscious possession rather from the car. In any case, the recovery/seizure is below the commercial quantity, he has remained in custody since 01.06.2023 (as stated in paragraph- 18 of the petition) and do not have criminal antecedent.

5. Learned APP for the State opposes the prayer for bail stating that on his confession, there was another recovery of 20 grams of smack. d.

6. Taking into account the fact that the alleged recovery is from the car, he do not have criminal antecedent, the recovered smack is below the commercial quantity and he is in custody since 01.06.2023, this Court is



inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS Act, Purnea in connection with Dagarua P.S. Case No. 173 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/her *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/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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