

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54607 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- JAKKANPUR District- Patna

SUNNY KUMAR SON OF LATE KRISHAN KUMAR @ KRISHAN SAW
RESIDENT OF JAI PRAKASH NAGAR WARD NO 17 P.S. JAKKANPUR
DISTRICT PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Jakkanpur P.S. Case No. 133 of 2023 (Spl. Case NO. 101/2023) registered under Sections 8 (c), 21 (b), 25 and 29 of the NDPS Act lodged on 24.02.2023 by the informant, Sanju Kumari.

As per the prosecution story, the lady informant alleged that on secret information that this petitioner is selling smack reached the place, apprehended and recovered 15 grams smack (28 pouch). This followed the FIR/arrested.

It is the case of the petitioner that the police has implicated in the case and has already suffered by being in



custody since 25.02.2023 (as stated in paragraph-17 of the petition). Further submission is that the quantity which has been recovered is below the commercial quantity.

Learned APP for the State opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner as also the recovery is below the commercial quantity, this Court is inclined to grant him privilege of bail.

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 ADJ-XVII, Patna in connection with Jakkanpur P.S. Case NO. 133 of 2023 (Spl. Case No. 101/2023), 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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