

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54529 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- BIKRAM District- Patna

Sushil Kumar S/O Sri Ravindra Singh Resident of village- Khoritha, P.S.-
Bikram, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravindra Kumar, learned counsel for the petitioner and learned APP for the State.

At the outset, learned counsel for the petitioner submits that on account of inadvertence paragraph no.8 has been wrongly mentioned in the bail petition and as such he is not pressing paragraph no.8 of the bail petition.

The petitioner seeks regular bail, who is in custody in connection with Spl. Case No.238 of 2021 arising out of Bikram P.S. Case No. 267 of 2021, registered for the offences punishable under Sections 8, 20b(ii)a of the Narcotic Drugs and Psychotropic Substance Act, 1985.



As per the prosecution case, it is alleged that the police in course of patrolling after having receipt of information with regard to the trafficking of drugs, intercepted a vehicle and apprehended one Dhiraj Kumar @ Biru. On search total 21 sachets of Smack weighing 12 gm was recovered. The apprehended person disclosed the name of the petitioner and others. On the basis thereof, the police raided the shop of one Tinku Singh and from his shop 100 gm Ganja like substance was recovered.

Learned counsel appearing on behalf of the petitioner submits that admittedly, the petitioner was neither apprehended at the place of occurrence nor any incriminating material has been recovered from his person or possession. He further submits that the person on whose disclosure, the name of the petitioner surfaced in this case, has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 19793 of 2022 vide order dated 29.07.2022. He next submits that in fact only on account of the past criminal antecedent, his name has been implicated in this case as initially the petitioner was apprehended in connection with Bikram P.S. Case No. 237 of 2022 and thereafter, he has been remanded in three other criminal cases, the particulars of which have been mentioned in



paragraph no.3.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be an habitual offender, as he has found involved in five other criminal cases beside the present one.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the place of occurrence nor any incriminating material has been recovered from his person or possession and moreover the persons from whose possession contraband has been found and on whose disclosure name of the petitioner has surfaced, has been allowed privilege of bail coupled with the fact that the petitioner is in custody over a period of one year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Patna, in connection with Spl. Case No.238 of 2021 arising out of Bikram P.S. Case No. 267 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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