

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57804 of 2023

Arising Out of PS. Case No.-475 Year-2023 Thana- DANAPUR District- Patna

=====

MANJAY KUMAR SON OF MANAURI RAI @ GANAURI RAI R/O
SAGUNA NADI PAR, PS- DANAPUR, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special
(N.D.P.S.) Case No. 107 of 2023 arising out of Danapur P.S. Case
No. 475 of 2023 registered for the offence under Sections 21(C)
of the N.D.P.S. Act.

Recovery is of 11 gram of brown sugar from the
conscious possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R. and
the seizure list, it appears that altogether 11 gram of brown sugar
has been recovered from the conscious possession of the
petitioner. He further submits that there is non-compliance of



Section 50 of the N.D.P.S. Act. He further submits that the alleged recovery does not fall within the purview of commercial quantity, therefore, there would not be embargo of Section 37 of the N.D.P.C. Act for grant of bail to the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.04.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 10 cases other than the present one but he fairly submits that on the basis of paragraph-3 of the petition that he has been allowed bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XXVIII, Patna in connection with Special (N.D.P.S.) Case No. 107 of 2023 arising out of Danapur P.S. Case No. 475 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedent, 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)

brajesh/-

U		T	
---	--	---	--

