

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59267 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- MANER District- Patna

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BHARAT PRASAD @ BHARAT LAL CHAURASIYA SON OF LATE SITA
RAM CHAURASIYA RESIDENT OF VILLAGE - PASI TOLA, MANER,
P.S. - MANER, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamla Kant Pandey, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is an accused in connection with Maner P.S. Case No. 271 of 2023 registered for the offences under sections 8(C) and 20 (B) of the N.D.P.S. Act lodged on 11.04.2023 by the informant, Shashi Ranjan.

3. As per the prosecution story, the allegation is that the police reached the house of Bharat Prasad (petitioner). Those present there, tried to escape but were apprehended. It is alleged that from the petitioner, 5.53 gm ‘smack’ (with paper) recovered/seized. The locals informed that he provided smack for selling purpose. Accordingly arrest, seizure, FIR.

4. It is the case of the petitioner that he has been



implicated by the police, do not have criminal antecedent, is in custody since 12.04.2023 (as stated in paragraph 14 of the bail application) and in any case, the recovered/seized quantity is below the commercial one.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties, he is in custody since 12.04.2023, do not have criminal antecedent and the recovered quantity is below the commercial one, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Additional Sessions Judge XII, Patna in connection with Special (NDPS) Case No. 116 of 2023 arising out of Maner P.S. Case No. 271 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 *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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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