

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57093 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- CHAUTHAM District- Khagaria

AMAR KUMAR son of Manoj Kumar Sharma Village- Bhartiya Nagar Ward
no-26, Ps Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Special (NDPS) Case No. 18 of 2023 arising out of Chautham P.S. Case No. 115 of 2023 registered under Sections 20 and 22 of the N.D.P.S. Act lodged on 17.04.2023 by the informant, Satyabrat Singh.

As per the prosecution story, the allegation is that the police upon information, intercepted a motorcycle and 7 K.G. 'ganja' recovered/seized and two accused persons Raja Ram Yadav and Amar Kumar (petitioner herein) arrested, followed by FIR.

It is the case of the petitioner that he had taken lift on the motorcycle of the co-accused have no knowledge about the



presence of Narcotics in the bag. In any case, it is much below the commercial quantity.

Learned APP opposes the prayer for bail.

Taking into account the submission of the parties as also the fact that recovery is of 7 K.G 'ganja' which is below the commercial quantity and he is in custody since 18.04.2023, this Court is inclined to extend him the 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 Special Judgecum Additional Sessions Judge 3rd, Khagaria in connection with Special (NDPS) Case No. 18/2023 arising out of Chauthan P.S. Case No. 115 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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