

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56456 of 2022

Arising Out of PS. Case No.-564 Year-2022 Thana- PHULWARISHARIF District- Patna

Vikash Kumar, Son of Raj Darshan Ram, R/V- Utari Sangat P.S-
Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
(NDPS) Case No.98 of 2022 arising out of Phulwarisharif P.S.
Case No.564 of 2022 registered for the offence punishable
under Section 8(c)/21(b) of the Narcotic Drugs and
Psychotropic Substance Act, 1985.

There is alleged recovery of 5.61 grams smack like
substance in 11 small sachets from the petitioner's possession.

Learned counsel for the petitioner submits that the
alleged quantity is slightly above small quantity (5 grams). The
quantification is excessive, which is apparent from the seizure
memo, which records that weighing has been done along with
packaging. In fact, the quantum allegedly recovered is within



the minimum quantity, as per the Act. The petitioner has no prior case of similar nature under the NDPS Act. He is in custody since 27.05.2022. It is submitted that the mandatory procedure for search and seizure has not been followed.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and the seizure memo, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned Special Judge/Sessions Judge, Patna, in connection with Special (NDPS) Case No.98 of 2022 arising out of Phulwarisharif P.S. Case No.564 of 2022, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well



represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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