

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60405 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- PHULWARISHARIF District- Patna

DHARMENDRA KUMAR Son of Sadhu Ram @ Sadhu Prasad Resident of
Village/Mohalla Malitola, P.S. Hawai Adda, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Nand Thakur, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with Phulwari Sharif P.S. Case No. 707 of 2022 for the offence punishable under Section 8 (C) and 21 (B) of the N.D.P.S. Act lodged on 20.06.2022 by the informant Rajeshwar Prasad Pandit.

3. As per the prosecution story, the allegation is that upon information that some people are selling/consuming smack, reached the place and altogether 33.39 grams of ‘smack’ recovered/seized. So far as this petitioner is concerned, the allegation is that 6.36 grams of ‘smack’ was recovered from his possession. Accordingly, the FIR.

4. It is the case of the petitioner that for the said



misadventure, he has already suffered by being in custody since 21.06.2022 (as stated in paragraph 8 of the petition) and in any case, the recovery/seizure is below the commercial quantity.

5. Learned APP opposes the prayer stating that that he has criminal antecedent.

6. Taking into account the submission put forward by the learned counsel for the parties, period of custody as also the fact that the recovery/seizure of '*smack*' is below the commercial quantity, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District Judge XII, Patna, in connection with Phulwari Sharif P.S. Case No. 707 of 2022 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 month for next one year to mark his 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 the 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 his bail bonds.

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

(Rajiv Roy, J)

Jagdish/Jyoti/-

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