

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58853 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- JALALGARH District- Purnia

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MITHU KUMAR ALIAS MITHU KUMAR CHAUHAN SON OF GOPAL
CHAUHAN ALIAS GOPAL JAMADAR RESIDENT OF VILLAGE -
JALALGARH WARD NO.11, P.S. - JALALGARH, DISRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is an accused in connection with Jalalgarh P.S. Case No. 112 of 2023 registered for the offences under sections 8(c), 21(b) and 25 of the Narcotics Drugs and Psychotropic Substances Act lodged on 17.06.2023 by the informant, Shambhu Sharma.

3. As per the prosecution story, the police patrolling team apprehended accused persons and recovered/seized 23.65 gm *brown sugar*. Accordingly, the FIR.

4. It is the case of the petitioner that he is a student, the police only to implicate him made this brown sugar theory, forcing him being in custody since 18.06.2023 (as stated in paragraph 12 of the bail application). Further, the recovery is



below the commercial quantity of 250 gm.

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 learned Counsel for the petitioner as also the fact that the recovery of brown sugar is lesser than the commercial quantity and is a young boy having no criminal antecedent, 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 Special Judge, N.D.P.S., Purnea in connection with Jalalgarh P.S. Case No. 112 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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