

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60564 of 2022

Arising Out of PS. Case No.-305 Year-2022 Thana- BHORE District- Gopalganj

Manoj Kumar Singh, Male, aged about 35 years, S/O Late Dhanesh Singh
Resident of Village- Chakara, P.S.- Mufasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Kant, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Bhore P.S. Case No. 305/2022 registered for the offence punishable under Section 8(c), 21(b) of the N.D.P.S. Act.

While the petitioner was moving on his motorcycle, he has been arrested upon recovery of smack like substance, 11.20 grams from the tool-box of the motorcycle and 36.28 grams from the petitioner's possession.

Learned counsel for the petitioner submits that it is a case of false implication. Recovery from someone else has been attributed to the petitioner, who was passing by the place from where the recovery has taken place. Recovered substance has been weighed with the packaging still the quantity has been found to be total 47.48 grams, which is much bellow commercial quantity (250 grams). Having no criminal antecedents, he is stated to be in custody since 01.07.2022.

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

Considering the rival submissions, quantum of recovery, his



clean antecedents and the period of custody, 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 District & Sessions Judge, Gopalganj, in connection with Bhore P.S. Case No. 305/2022, trial no. 45/2022, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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