

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57256 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- MAKER District- Saran

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SUMIT KUMAR SINGH @ SUMIT KUMAR S/O LATE KAMESHWAR
SINGH Resident of village- Pure Chapra, P.S.- Parsa, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Maker P.S. Case No. 150 of 2022 registered for the offences punishable under Sections 8(c)/21(b) of the N.D.P.S. Act.

As per the prosecution, the police personnel while on patrolling duty apprehended this petitioner and co-accused person and from their possession, 7.450 grmas of narcotic material suspected to be “Smack” was recovered.

The main submissions advanced by the learned



counsel Mr. Sanjay Kumar Jha for the petitioner are that as per the prosecution, 45 small sachets containing the alleged suspicious narcotic material were alleged to have been recovered from the conscious possession of this petitioner and at the same time, 11 small packets containing the same narcotic material were recovered from co-accused Raj Kumar Singh and accordingly, total weight of the contraband being in all the packets was assessed as 7.450 grams which is much lesser than the commercial quantity and if the weight of the contraband which was specifically recovered from the possession of this petitioner is weighed, it comes to 5.98 grams which is just greater than the small quantity of the alleged contraband. Further submission is that the petitioner has been languishing in jail since 02.07.2022 having fair and clean antecedent and one similarly situated co-accused Raj Kumar Singh, who was also apprehended with this petitioner with alleged contraband, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.60020 of 2022.

Learned APP Mr. Rabindra Kumar appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly considering the petitioner's fair and clean antecedent, as



mentioned in the petition as well as the quantity of the alleged suspected contraband recovered, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Maker P.S. Case No. 150 of 2022.

(Shailendra Singh, J)

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