

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57955 of 2022

Arising Out of PS. Case No.-504 Year-2022 Thana- KANTI District- Muzaffarpur

PANKAJ KUMAR Son of Munnu Ram Resident of Village - Harpur, P.S.-
Meenapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 27-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
30.07.2022, in connection with Kanti P.S. Case No. 504 of 2022,
F.I.R. dated 30.07.2022 registered for the offences punishable
under Sections 399, 400, 401, 402, 414, 411 of the Indian Penal
Code, Sections 25(1-b)a/26/35 of Arms Act and Sections
8/21(b) of the N.D.P.S. Act.

The case relates to recovery of 10 grams of Heroin, one
loaded country made pistol, mobile phone and various other
items.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that 10 grams of Heroin has been recovered from the possession of the petitioner. He further submits that arms has been recovered from other co-accused persons and hence no case is made out under the Arms Act against the petitioner and there is non compliance of Section 50 of the N.D.P.S. Act. He further submits that the recovered contraband is less than the commercial quantity but fairly submits that the same is more than the small quantity and hence there is no embargo under Section 37 of the ND.P.S. Act. He further submits that co-accused person, namely, Ashutosh Kumar @ Sonu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 56115 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is Heroin. FSL report dated 17.05.23 reveals that *"Heroin a Diacetyl derivative of morphine was detected in the greyish brown powdery substances contained in all twenty five (25) paper pudiya marked as mark '01' to mark '25'. Heroin is the highly addictive, intoxicating Narcotic drug"*.

In view of the aforesaid, let the petitioner, above



named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Kanti P.S. Case No. 504 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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