

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61665 of 2023

Arising Out of PS. Case No.-376 Year-2023 Thana- GARDANIBAG District- Patna

Prince Kumar S/O Manoj Paswan R/O Mohalla- Purandarpur, Ps. Jakkanpur,
Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 14.05.2023, in connection with Special (NDPS) Case No. 137 of 2023, arising out of Gardanibagh P.S. Case No. 376 of 2023, F.I.R. dated 13.05.2023 registered for the offences punishable under Sections 8(c) & 21(b) of Narcotic Drugs and Psychotropic Substances Act.

3. The case relates to recovery of 9.3 Grams of *Smack*.

4. 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 from perusal of the F.I.R. as well as seizure list that altogether 9.3



grams of Smacks was recovered from the possession of the petitioner along with other co-accused persons and from possession of the petitioner total weight of 01.1 gram Smack has been recovered. He further submits that there is non compliance of Sections 42 and 50 of the N.D.P.S. Act and the recovered contraband is less than the small quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.05.2023.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is Smack but fairly submits that the recovered contraband is less than the small quantity.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XII, Patna in connection with Special (NDPS) Case No. 137 of 2023, arising out of Gardanibagh P.S. Case No. 376 of 2023, with 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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