

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61557 of 2023

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

Manchit Kumar Paswan Son of Fatkan Paswan Resident of Kariat ward no. 12, P.S.-Mahalgaon, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 18.06.2023, in connection with Jalalgarh P.S. Case No. 112 of 2023, F.I.R. dated 17.06.2023 registered for the offences punishable under Sections 8(c), 21(b) and 25 of Narcotic Drugs and Psychotropic Substances Act.

3. Recovery is of 23.65 Grams of *Brown Sugar*.

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 it appears from the F.I.R. as well as seizure list that the accused persons were apprehended along with 23.65 Grams of Brown Sugar. He further submits that there is non compliance of



Sections 42 and 50 of the N.D.P.S. Act and the accused person who was apprehended along with the petitioner namely Sanjeet Kumar Paswan has been granted bail by a Coordinate Bench of this Court vide order dated 11.09.2023 passed in Cr. Misc. No. 59672 of 2023, another co-accused person namely Mithun Kumar @ Mithun Kumar Chauhan has been granted bail by a Coordinate Bench of this Court vide order dated 04.09.2023 passed in Cr. Misc. No. 58853 of 2023 respectively. He further submits that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. The petitioner is in custody since 18.06.2023.

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 Brown Sugar but fairly submits that the recovered contraband is less than the commercial 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 Special Judge, N.D.P.S. Act, Purnea in connection with



Jalalgarh P.S. Case No. 112 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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