

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60376 of 2022

Arising Out of PS. Case No.-405 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

DEV KUMAR @ DEVA KUMAR, Son of Pappu Pawan, R/O Village - Bara Jagarnath, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

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

Petitioner seeks bail in connection with NDPS Case No. 126/2022 arising out of Ahiyapur P.S. Case No. 405 of 2022 registered under Section 414/34 of the Indian Penal Code and 8(c), 21(b) of NDPS Act.

There is alleged recovery of 15 sachets containing "Smack" like substance from the petitioner by the informant while on routine patrolling duty.

Learned counsel for the petitioner submits that the



recovery alleged is 2 grams above the small quantity (5 grams). This inflated assessment is because of the recovered substance being weighed in the packaging, otherwise the recovered substance was below small quantity. He is accused in three cases since before, but of offences under Section 379 of the Indian Penal Code. He has no antecedents under N.D.P.S. Act. He is on bail in earlier three cases, and in the instant case he is in custody since 17.05.2022. There is complete denial with the recovery by stating that it is not in accordance with law.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody and clean antecedents, as also the quantum of recovery, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in NDPS Case No. 126/2022 arising out of Ahiyapur P.S. Case No. 405 of 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.

(Madhuresh Prasad, J)

Sumit/shashank-

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