

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62757 of 2022**

Arising Out of PS. Case No.-372 Year-2022 Thana- DUMRAO District- Buxar

PINTU KUMAR, Son of Sri Ramanuj Ram, Resident of Mohalla- Near
Sanichara Mandir, New Bypass Road P.S- Buxar (Town), Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Jagdhar Prasad

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 07-02-2023 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 Dumraon (Naya
Bhojpur O.P.) P.S. Case No. 372 of 2022 registered under Sections 20
and 22 of N.D.P.S. Act.

On receiving secret informant regarding carrying of *ganja* by
the petitioner and other, police has reached the place to verify the
information from where there is alleged recovery of 7.50 kg *ganja*
from the petitioner.

Learned counsel for the petitioner submits that the petitioner
has falsely been implicated in this case. Having no antecedent, he is



in custody since 25.08.2022. Submission is that the quantity recovered from the possession of the petitioner is much less than the commercial quantity and the bar of Section 37 of the NDPS Act would not be attracted. Investigation is complete. It is submitted that similarly situated co-accused, Guddu Rai, has already been granted bail in Cr. Misc. No. 59440 of 2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, clean antecedent, period of custody, claim based on parity, investigation is complete, and also the fact that recovered substance is much less than the commercial quantity and does not attract the bar of Section 37 of the NDPS Act, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

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 District Judge-cum-Special Court, N.D.P.S. Act, Buxar in Dumraon (Naya Bhojpur O.P.) P.S. Case No. 372 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)

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