

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63071 of 2022

Arising Out of PS. Case No.-372 Year-2022 Thana- DIGHA District- Patna

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DIPU KUMAR, S/O RAMJEE SAO @ RAMJEE PRASAD, Resident of
village- Shivajee Nagar, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Digha P.S.
Case No. 372 of 2022 registered for the offence punishable under
Sections 8(c), 20 and 22 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (N.D.P.S. Act for short).

There is alleged recovery of 4.3 grams of Brown Sugar
like substance, Rs. 540/- cash and a mobile phone from the petitioner.

Learned counsel for the petitioner submits that no
recovery has been made from the petitioner. His implication is on
extraneous considerations and seizure is without following the
mandatory provisions laid down under the Act. The quantity
recovered is small quantity, even as per allegation, and the same does
not attract the bar under Section 37 of the N.D.P.S. Act. The
petitioner, having no antecedents, is in custody since 17.06.2022.
Moreover, investigation is also complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the quantum of



recovery, period of custody and clean antecedents of the petitioner, 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 bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge- IV, Patna, in connection with Digha 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.

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

(Madhuresh Prasad, J)

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