

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70765 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

ANKU KUMAR @ MANISH KUMAR @ MANISH PODDAR S/O
MITHILESH KUMAR @ MITHILESH PODDAR R/O VILLAGE-
BARAAUNI SHOKHARA, PS. PHULBARIYA, DIST. BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 30 of 2022 arising out of Barauni Rail P.S.
Case No. 280 of 2022 registered on 31.07.2022 lodged under
Sections 22 of N.D.P.S. Act

3. As per the prosecution case, F.I.R. has been lodge
against two accused petitioners. It has been alleged that banned
medicine Alprax (Alprazalan Composition) having wieght of
79mg has been recovered is the subject matter of this case.

4. Counsel for the petitioner submits that the small
quantity present in the chart of the N.D.P.S., at Sr. No. 178 for
which small quantity for Alprazalan Composition is 5gms. He



submits that as per the statement made in the F.I.R. itself, the said quantity is less than 5gms as such the said recovery is less than the small quantity.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 01.08.2022 having seven criminal case pending against him, in which he is on bail. He submits that in all the seven cases none of the cases are related to N.D.P.S. Act

6. Learned counsel for the State opposes the prayer for bail and submits that as per the pleadings the quantity is smaller in nature.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Sessions Judge-1 in connection with N.D.P.S. Case No. 30 of 2022 arising out of Barauni Rail P.S. Case No. 280 of 2022, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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