

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67164 of 2023

Arising Out of PS. Case No.-376 Year-2023 Thana- GARDANIBAG District- Patna

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Ritesh Kumar, Son of Mahesh Kumar @ Mahesh Kumar Gupta Resident of
Chhoti Badalpura, P.S.-Danapur, District-Patna. At present Address-New
Etwarpur, P.S.-Parsa Bazar, Dist-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gardanibagh P.S. Case No. 376 of 2023, lodged on 13.05.2023
under Sections 8(c), 21(b) of the N.D.P.S. Act, 1985.

3. As per the prosecution case, the total recovery of
1.80 grams of smack/heroin from the possession of the 4 named
accused persons including the present petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that it is true that recovery has been made from his possession,
but it is also true that the same is less than the small quantity, as
the small quantity for smack is 5 grams and it is also true that



there is one criminal case pending against the petitioner, but the said case is not related to N.D.P.S. The petitioner is accused in one more criminal case, in which he is on bail. He further submits that the petitioner is in custody since 14.05.2023. Learned counsel for the petitioner also submits that he is ready to fulfil all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean.

6. 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 Additional District and Sessions Judge-XII, Patna in connection with Gardanibagh P.S. Case No. 376 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(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.

(Dr. Anshuman, J.)

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