

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68605 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- MASAUDHI District- Patna

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Rahul @ Nandan S/O Brajendra Kumar Singh Village Ram Nager Ps
Masaurhi Dist Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Masaudhi P.S. Case No. 231 of 2023 dated 08.04.2023, lodged
under Sections 8/20(b)(ii)/b of the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against six named accused person including the present
petitioner. It has been alleged that the total recovery of 9.88 g
Brown Sugar has been made, which is the subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the antecedent of the petitioner is clean and he is in
custody since 09.04.2023. Counsel submits that without paper,

the weight of Brown Sugar is 7.63 gm, whereas the said quantity is much more less than the commercial quantity but above than the smaller quantity.

5. Upon specific query that whether charge has been framed in this case or not, counsel for the petitioner submits that as per his knowledge, charge has not been framed.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the N.D.P.S. material has been recovered but its quantity is less than the commercial quantity and little bit higher than the smaller quantity.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail only after framing of charge on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XXVIIIth, Patna, Special N.D.P.S. No. 112 of 2023 in connection with Masaudhi P.S. Case No. 231 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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.

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

(Dr. Anshuman, J.)

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