

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61873 of 2022

Arising Out of PS. Case No.-242 Year-2022 Thana- GARDANIBAG District- Patna

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Ankit Kumar @ Chhotu, Male, aged about 25 years, S/O Anil Singh R/O
Mohalla- Yarpur, Rajputana, P.S- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-02-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Gardanibagh P.S.
Case No. 242 of 2022 registered for the offence punishable under
Section 21 (b), 22(b), 29 of the Narcotic Drugs and Psychotropic
Substances, Act, 1985 (for brevity 'NDPS Act').

The petitioner has been arrested in possession of 15.50 grams
of brown sugar as per allegation in the First Information Report (for
brevity 'FIR').

Learned counsel for the petitioner submits that the seizure
memo discloses that the weighment of the recovered substance has
been done in the packaging and it is alleged that the same has been
packed in thirty (30) small sachets. It is under such circumstances
that the inflated weight has been recorded. Even in spite of such
inflation in the weight, caused due to faulty weighment, the alleged
recovery is 15.50 grams, much below commercial quantity, slightly
above the small quantity. It is submitted that investigation is
complete. Petitioner is stated to be in custody since 06.05.2022. It is
a case of false implication only because the petitioner has three (3)
criminal antecedents as per disclosure made in paragraph No. 3 of



the bail application.

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

Considering the rival submissions, regarding faulty weighment, quantum of alleged recovery, as also period of custody and the fact that investigation is complete, 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 the learned Additional District & Sessions Judge-IXth, Patna, in connection with Gardanibagh P.S. Case No. 242 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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