

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65167 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- PANCHRUKHI District- Siwan

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Bittu Kumar Son of Babunand Yadav @ Babunand Prasad, Resident of
Village- Ramdeo Nagar, P.S.- Mahadewa O.P., District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Pachrukhi (Sarai O.P.) P.S. Case No. 195 of 2022, lodged under
Sections 414 of the Indian Penal Code read with Section 8,
21(b) of the Narcotics Drugs and Psychotropic Substances Act.

As per prosecution case, the recovery of smack
weighing 7500 mg has been made from the possession of
petitioner.

Learned counsel for the petitioner submits that in this
case there were 3 accused persons and from their possession
more quantity of smack were recovered. The bail of petitioner

was rejected only on the ground that he has criminal antecedent. He further submits that there are 2 criminal antecedents of petitioner, in which, he is on bail and none of the case are of N.D.P.S. He also submits that similarly situated persons from whose possession 24 *puriyas* have been recovered have been granted bail. Learned counsel for the petitioner further submits that petitioner is in custody since 28.08.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail but also submits that similarly situated persons have already been granted bail.

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 Sessions Judge, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 195 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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