

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70706 of 2023

Arising Out of PS. Case No.-1128 Year-2022 Thana- DANAPUR District- Patna

Manish Kumar @ Tempu, S/O Late Mahesh Rai R/O -KABRISTAN Gali,
P.S.-Danapur, Dist-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, APP

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
Danapur P.S. Case No. 1128 of 2022, lodged on 18.10.2022
under Section 21(a) of the N.D.P.S Act.

3. As per the prosecution case, FIR has been lodged
against 2 named accused persons including the present
petitioner and total 7 grams of smack (brown sugar) has been
recovered 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. He also
submits that from the bare perusal of the FIR and seizure list, it
becomes crystal clear that the said smack (brown sugar) has
been recovered from the possession of the co-accused namely



Akshay Kumar. Counsel further submits that the petitioner has not apprehended from the place of occurrence and his name has been figured in this case by virtue of statement made by the apprehended person from whose possession smack (brown sugar) has been recovered.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 25.07.2023 and there are 3 criminal cases pending against him in which he is on bail, but further submits that the cases pending against the petitioner are not related to N.D.P.S. Act and those cases are related to IPC.

6. Learned APP for the State opposes the prayer for bail of the petitioner and admits that from the bare perusal of the FIR, it transpires that neither recovery nor arrest of the petitioner has been made by the police from the place of occurrence.

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 Sessions Judge/Special Judge (N.D.P.S.), Patna in connection with Danapur P.S. Case No. 1128 of 2022, 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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