

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70872 of 2023

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

Rahul Kumar, Son of Raju Chaudhary R/o vill - Welbagyachha, Rahmatganj,
P.S. - Masaurhi, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jogendra Kumar, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special (NDPS) Case No.112 of 2023 arising out of Masaurhi P.S. Case No. 231/2023, lodged on 08.04.2023 under Sections 8/20 9b)(ii) (B) of the Narcotic Drugs And Psychotropic Substances Act, 1985.

3. As per the prosecution case, the FIR has been lodged against six named accused persons including the petitioner on recovery of 2.05 grams of brown sugar without wrapper and with wrapper 3.17 grams.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner has no concern with the alleged recovery. The alleged



recovery as per the Schedule of the NDPS Act is less than a small quantity. He further submits that the antecedent of the petitioner is clean and he is in custody since 09.04.2023. Other co-accused, namely, Shailendra Kumar from whose possession 3.34 gram brown sugar has been recovered, has been granted bail by a co-ordinate Bench of this Court vide order dated 05.09.2023 passed in Criminal Miscellaneous No. 57624/2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner but the quantity of recovery as per Schedule is less than the small quantity.

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 Sessions Judge-XXVIII, Patna, in connection with Special (NDPS) Case No.112 of 2023 arising out of Masaurhi P.S. Case No. 231/2023, 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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