

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67738 of 2022**

Arising Out of PS. Case No.-539 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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SANNI KUMAR @ SANI KUMAR PANDEY @ SANNI PANDEY S/O
AMRIT PANDEY @ AMRIT KUMAR PANDEY Resident of village-
Bramha Chouk, Ward No- 17, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mrs.N irmala Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with
Gopalganj P.S. Case No. 539 of 2022 for the offence registered
under Sections 8/20 (b) (ii) (B) of the N.D.P.S. Act lodged on
08.07.2022 by the informant, Hirdyanand Ram.

The prosecution story, in brief, is that on the basis of
secret information of selling of smack, the informant along with
other police officials reached there and caught hold the accused
person, who disclosed his name as Sanni Kumar @ Sanni
Kumar Pandey @ Sanni Pandey (the petitioner herein) and from
his possession, 7.62 gm. of smack was recovered/seized. Seizure
list prepared and the petitioner was taken into custody after



lodging of FIR.

Learned counsel for the petitioner submits that the recovery is of 7.62 gram of smack which is although higher to the small quantity but much lesser than the commercial quantity for which he is in custody since 08.07.2022 (as stated in paragraph-7 of the petition).

Learned APP for the State opposes the prayer for bail but concedes that the alleged recovery/seizure of smack is much below the commercial quantity.

Considering the period of custody as also the alleged recovery of 7.62 gm of smack and ultimately, he will have to face the trial, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned District and Sessions Judge, Gopalganj in connection with Gopalganj P.S. Case No. 539 of 2022, subject to 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(vi) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha-

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