

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73682 of 2023

Arising Out of PS. Case No.-490 Year-2023 Thana- DANAPUR District- Patna

PIKKU KUMAR @ PINKU KUMAR SON OF LATE PRITHWI RAJ
CHOUHAN R/O VILLAGE- NAYA TOLA, P.S.- DANAPUR, DISTRICT-
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Special (NDPS) Case No. 113 of 2023 arising out of

Danapur P.S. Case No. 490 of 2023 registered for the

offence punishable under Section 21(a) of the N.D.P.S.

Act.

3. As per prosecution case, petitioner is said to

have apprehended on the spot and 1.70 gram brown

sugar like narcotic substance was recovered from the left

pocket of pant of the petitioner. It is further alleged that



6.21 gram brown sugar like narcotic substance was recovered from the pocket of co-accused Rahul Kumar.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is in custody since 12.04.2023. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that mandatory provision of N.D.P.S. Act has not been followed by the prosecution. He further submits that alleged recovery of 1.7 gram brown sugar like narcotic substance from possession of the petitioner is less than small quantity as per notification of N.D.P.S. Act. He further submits that co-accused Rahul Kumar, from whose possession 6.21 gram brown sugar like narcotic substance was recovered, has already been granted bail by the co-ordinate Bench of this Court and the case of present petitioner stands on lesser footing



and on the said ground petitioner also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by the co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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. 113 of 2023 arising out of Danapur P.S. Case No. 490 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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