

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72934 of 2023

Arising Out of PS. Case No.-329 Year-2023 Thana- ARA NAGAR District- Bhojpur

SUMIT KUMAR S/O AMIR DOM @ ARMIR RAM R/O NEW
AMBEDAKAR COLONY, YARPUR, P.S- SACHIWALAYA, DISTT.-
PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023

Heard the parties.

2. The petitioner is in custody in connection with Ara Town P.S. Case No. 329 of 2023 for the offence under sections 21(b) of NDPS Act lodged on 24.04.2023 by the informant, Md. Ali.

3. As per the prosecution story, Manish Kumar and Sumit Kumar (the petitioner herein) were apprehended by the police and 24g and 20g 'Heroin' respectively were recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is a student, has been falsely implicated in this case, is in custody since 30.04.2023 (as stated in paragraph 10 of the petition) and so far as he is concerned, the recovery has been



shown as 20g 'heroin' which is less than the commercial quantity of 250g. The further submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that the recovered/seized amount is less than the commercial quantity, he being a young person of nineteen years and has already suffered by being in custody since 30.04.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge Bhojpur at Ara, in connection with Ara Town P.S. Case No. 329 of 2023 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/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his 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 the 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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