

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74859 of 2023

Arising Out of PS. Case No.-605 Year-2023 Thana- PURNEA SADAR District- Purnia

Chhotu Kumar Bhagat @ Chhotu Kumar @ Chotu Kumar Bhagat, S/O Sri Kumar Bhagat @ Shiv Kumar Bhagat Village- Naya Tola Kalijan, Ps. Sadar, Dist. Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special Case No. 86 of 2023 arising out of Sadar P.S. Case No. 605 of 2023, lodged on 06.07.2023 under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, the FIR has been lodged against the present petitioner on the allegation that 30 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. Counsel also submits that from the seizure list itself, it becomes clear



that the said recovery has not been made from the possession of the petitioner rather it has been made in a place in which series of family members used to reside. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 07.07.2023.

5. Learned counsel for the petitioner submits that small quantity of smack (brown sugar) is 5 grams and the commercial quantity is 250 grams and the recovery is in between these two quantities. Counsel also submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

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 Special Judge, NDPS Act, Purnea in connection with Special Case No. 86 of 2023 arising out of Sadar P.S. Case No. 605 of 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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