

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1963 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- JAKKANPUR District- Patna

Vishal Kumar, Son of Hari Shankar Prasad, R/v- Adalatganj, Budhamarg,
P.S.- Kotwali, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Brij Bihari Tiwary, Advocate
For the Opposite Party : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Brij Bihari Tiwary, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Special (NDPS) Case No. 179 of 2022, arising out of Jakkanpur P.S. Case No. 494 of 2022, registered for the offences punishable under Sections 8(c)/21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The police in course of patrolling apprehended two persons and from the possession of the petitioner 11 Puriya of smack like substance, weighing 6 gms, have been recovered.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery of 6 gms smack like substance is wholly baseless, without there being any definite weighment. He further submits that since the alleged quantity is much below



the commercial quantity and, as such, rigors provided under Section 37 of the NDPS Act is not applicable in this case, inasmuch as the petitioner is in custody since 19.09.2022 and now the investigation is already complete and charge-sheet has been submitted without obtaining FSL report, which also shows the irregularity in the investigation. He next submits that there is no compliance of Section 50 of the NDPS Act.

On the other hand learned APP appearing on behalf of the State opposes the bail application and submits that the recovery has been made from the conscious possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the recovery of less commercial quantity of smack like substance and the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV, Patna in connection with Special (NDPS) Case No. 179 of 2022, arising out of Jakkanpur P.S. Case No. 494 of 2022, subject to the condition that one of the bailors will



be the close relatives of the petitioner with further conditions
which are as follows:-

(i) The petitioner will cooperate in conclusion of the
trial.

(ii) He will remain present on each and every date of
trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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