

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1353 of 2023**

Arising Out of PS. Case No.-167 Year-2022 Thana- NAUBATPUR District- Patna

ANKU KUMAR S/O SHAILENDRA SINGH Resident of village- Ajwan,
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.07.2022 in connection with Naubatpur P.S. Case
No.167/2022, Special (NDPS) Case No.133 of 2022, F.I.R.
dated 21.03.2022, for the offences punishable under Sections 8
(c) & 21(b) of N.D.P.S. Act.

According to prosecution case, altogether 10.20 grams
of smack is alleged to have been recovered from the possession
of the co-accused persons.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the co-accused persons. He further submits that co-accused, namely, Amrish Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 16.09.2022 passed in Cr. Misc. No.35582/2022, other co-accused persons, namely, Ajit Kumar, Anil Kumar, Sunil Kumar and Pintu Kumar have been granted bail vide order dated 17.11.2022 passed in Cr. Misc. No. 72710/2022, Cr. Misc. No. 43187/2022 and Cr. Misc. No. 55857/2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is Morphine.

Result of Examination:

“6-MONOACETYL MORPHINE was detected in the light brown powdery substances respectively as described above.



6-MONOACETYL MORPHINE is an addictive, intoxicating and narcotics substances.”

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Patna in connection with Naubatpur P.S. Case No.167/2022, Special (NDPS) Case No.133 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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