

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5253 of 2023

Arising Out of PS. Case No.-424 Year-2022 Thana- KANTI District- Muzaffarpur

Aman Kumar S/O Mukesh Mahto Resident of village- Kanti, P.S.- Kanti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
29.06.2022, in connection with Kanti P.S. Case No. 424 of 2022,
F.I.R. dated 28.06.2022 registered for the offences punishable
under Sections 8(C)/21(b) of Narcotic Drugs and Psychotropic
Substances Act.

Recovery is of 10 Grams of *Smack*.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that from bare perusal of the
F.I.R. as well as seizure list that 10 Grams of *Smack* like product
wrapped in a black polythene was recovered from the
possession of the petitioner. He further submits that the



allegation as alleged in the F.I.R. is false and there is non compliance of Section 50 of the N.D.P.S. Act. He further submits that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.06.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases in which one of the case pertaining to N.D.P.S. matter and the FSL report confirms that the recovered contraband is Smack but fairly submits that the recovered contraband is less than the commercial quantity.

Considering the facts and circumstances of the case that the recovered contraband is less than the commercial quantity, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Muzaffarpur, in connection with Kanti P.S. Case No. 424 of 2022, with 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 witness, 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 antecedents, 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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