

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4982 of 2024

Arising Out of PS. Case No.-383 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Anand Kumar Singh Son of Late Bhuneshwar Singh Resident of village -
Kaura, P.S.- Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Shiv Prasad Gupta, Advocate
For the State : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 67 of 2023, arising out of Udwanthnagar P.S. Case No.
383 of 2023 instituted for the offence under Sections 21(b) & 29
of the NDPS Act.

3. As per the prosecution case there is recovery of 200
grams of 'brown sugar' from the co-accused persons.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 09-09-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the NDPS Act. Other co-accused have been granted bail by a Co-ordinate Bench of this Court, *vide* orders dated 20-02-2024 & 04-03-2024, passed in Cr. Misc. No. 9583 of 2024 & Cr. Misc. No. 12999 of 2024, respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 67 of 2023, arising out of Udwantnagar P.S. Case No. 383 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj kishore/-

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