

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30489 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- KUMAR KHAND District- Madhepura

Gautam Kumar son of Ashok Yadav Village- Narayanpur PS-Jankinagar District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Rashmi

For the Opposite Party/s: Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kumarkhand P.S. Case No. 68 of 2023 lodged on 03.03.2023 under Section 20, 21, 22 of the NDPS Act.

3. As per the prosecution case, F.I.R. has been lodged against nine named accused persons including the present petitioner against whom there is an allegation of recovery of 20gm of Smack.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that from the content of the F.I.R., it become crystal clear that nothing incriminating has been recovered from the petitioner's possession. He further submits that the name of the



petitioner has been figured in this case only by virtue of confessional statement of the accused. Counsel further submits that the criminal antecedent of the petitioner is not clean. The petitioner is in custody since 30.01.2024. He further submits that other co-accused persons have been granted bail by the co-ordinate Bench of this Court vide order dated 14.07.2023 in Cr. Misc. No. 42602 of 2023 and vide order dated 07.07.2023 in Cr. Misc. No. 36730 of 2023.

5. Learned APP for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail *after framing of charge, if the charge is not framed yet* and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Madhepura in connection with Kumarkhand P.S. Case No. 68 of 2023 subject to the condition laid down under Section 437(3) of the 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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