

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31834 of 2024

Arising Out of PS. Case No.-571 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Navin Kumar son of Late Ram Naresh Prasad Singh Village- Bikrampur Ps-
Chariya Bariyarpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

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

ORAL ORDER

3 02-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Jagdishpur P.S. Case No. 5103026230571 of 2023 [NDPS-149/23] within the town & District Bhagalpur instituted for the offences under Section 21(b), 23 of the N.D.P.S. Act, 1985.

3. As per prosecution case, on receipt of secret information, the police stopped an Alto vehicle bearing Regd. No. BR 09X 9447. On seeing the police party, two persons tried to flee but, were apprehended in the vehicle. On search, the police recovered 100 gram brown sugar along with one mobile phone from the possession of the petitioner. The police has also recovered 70 gram brown sugar from the possession of co-



accused/Manu Vats.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized seized contraband. The quantity of brown sugar recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.12.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that the petitioner is named in the F.I.R. with specific allegation and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the



petitioner, abovenamed, 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 Jagdishpur P.S. Case No. 5103026230571 of 2023 [NDPS-149/23], 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.

(iii) 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.

(Rudra Prakash Mishra, J)

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