

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45907 of 2024

Arising Out of PS. Case No.-1499 Year-2022 Thana- PHULWARISHARIF District- Patna

SONU KUMAR SINGH SON OF SHIV PUJJAN SINGH @ SHIV PUJAN
SINGH VILLAGE- NAYAGAO, P.S.- NAYAGAON, DISTT.- BEGUSARAI

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA, NDPS, ACT INDIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP
For the U.O.I. : Mr. Awadhesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2024 Heard Mr. Raj Kishor Prasad, learned Counsel for

the petitioner, the State and Mr. Awadhesh Kumar Singh,

learned Counsel for the Union of India.

2. The petitioner is an accused in connection with
Phulwarisharif P.S. Case No. 1499 of 2022 registered for the
offences under sections 8(c) and 21(b) of the N.D.P.S. Act,
sections 399, 402, 411, 412, 413 and 414 of the Indian Penal
Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged
on 06.12.2022 by the informant, Md. Safir Alam.

3. As per the prosecution story, the informant upon
secret information, raided a place near Pulwarisharif, Patna and
caught a number of accused persons, the petitioner being one of
them from whom there was recovery of 3.22 grams *smack*
beside one country made pistol, (i) against Md. Imran @ Md.
Raja there is allegation of recovery of 2.55 gm of *smack* beside
cheque of Rs. 8,000/-, motorcycle key as also mobile phone, (ii)
against Jiwan Kumar there is allegation of recovery of two live



cartridges beside 1.23 gm of *smack* and a mobile phone, (iii) again from Aman Kumar there is allegation of recovery of one live cartridge and 0.65 gm of *smack* beside the mobile and (iv) from Sohail Ahmad, the recovery is 0.31 gm of *smack* beside ornaments. The police thereafter proceeded to the house of Safi Alam @ Md. Munna @ Munnn and recovered 0.31 gm of *smack* beside ornaments. This led to the F.I.R.

4. Learned Counsel for the petitioner submits that he is a student, pursuing studies and the police due to enmity, implicated him and the recovery/seizure is below the specified quantity, is ready to diligently appear in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that there is allegation of recovery of *smack* beside a loaded country made revolver.

6. Taking into account the fact that he has remained in custody for long (07.12.2022-paragraph 4 to the petition), is a student, will be facing the trial, F.I.R. has been lodged, the quantity is below the specified limit, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousands only) with two sureties of like amount each to the satisfaction of the learned



Exclusive Special Judge (N.D.P.S. Act), Patna in connection with Phulwarisharif P.S. Case No. 1499 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member/relative 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

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