

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46459 of 2024

Arising Out of PS. Case No.-207 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Amit Kumar Son of Suresh Singh Resident of Vill- Umarchak, P.S.-
Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

1. The Union of India through Director Narcotics Control Bureau, Patna Bihar
2. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s : Mr. Dr. K.N. Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks bail in connection with
Daudnagar P.S. Case No. 207 of 2024 dated 05.05.2024,
instituted for the offence punishable under Section 21 of the
N.D.P.S. Act.

3. The allegation is of recovery of 36 gm Brown
Sugar like substance from the possession of the petitioner kept
in twelve pudiyas.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that 36 gm Brown Sugar like
substance has been recovered from the conscious possession of



the petitioner, which is below commercial quantity and thus Section 21 of the NDPS Act is not applicable against the petitioner. It is further submitted that nothing has been recovered from the possession of the petitioner. It is further submitted that the seizure list has not been prepared as per Section 100 of the Cr.P.C. Lastly, it has been submitted that the petitioner is in custody since 06.05.2024, he has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (N.D.P.S.) cum Additional District and Sessions Judge, Aurangabad (Bihar) in Daudnagar P.S. Case No. 207 of 2024, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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