

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60714 of 2024**

Arising Out of PS. Case No.-234 Year-2024 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

Manish Kumar, S/o- Late Arun Kumar, Mohalla- Gola Road Lichi Gachhi,
Ward no 19, Police Station Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with NDPS Case No. 72 of 2024, arising out of Muzaffarpur Town P.S. Case No. 234 of 2024, registered for the offences punishable under Sections 8(C), 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as ‘the NDPS Act’).

3. The police on a confidential information apprehended two persons, including the petitioner. On search, from the possession of the petitioner 27 sachets of smack like substance, weighing 12 grams have been recovered.

4. Learned Advocate for the petitioner contended that



apart from the complete defiance of the mandatory provisions of Sections 42 and 50 of the NDPS Act, the weight has been measured along with the sachets only in order to show that the smack like substances is more than small quantity. The recovered smack like substance is much below the commercial quantity and, as such, the rigors provided under Section 37 of the NDPS Act is not attracted. Taking note of the aforesaid fact co-accused person, having identical allegation and from whose possession 35 sachets of smack like substance was recovered, has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 50752 of 2024 vide order dated 24.07.2024. The case of the petitioner is based on parity. It is lastly contended that in fact one criminal antecedent of similar nature of crime is the reason for false implication of the petitioner. Be that as it may, now the petitioner has been incarcerated since 29.03.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner in identical nature speaks loud about the involvement of the petitioner in the crime. Moreover from the conscious possession of the petitioner alleged recovery has been made.

6. Regard being had to the submissions made on



behalf of the parties and considering the quantity of smack like substance, coupled with the fact that the investigation of the crime is complete and charge-sheet has been submitted, but without FSL report, coupled with fact that co-accused having identical allegation, has been allowed the privilege of bail, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I (NDPS), Muzaffarpur in connection with NDPS Case No. 72 of 2024, arising out of Muzaffarpur Town P.S. Case No. 234 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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