

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69472 of 2024

Arising Out of PS. Case No.-198 Year-2024 Thana- RAXAUL District- East Champaran

Prabhat Kumar @ Prabhat Patel Son of Hira Patel Resident of Village-
Sahdewa (Sahdeva), P.S- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in custody in connection with N.D.P.S G.R No. 49 of 2024 arising out of Raxaul P.S. Case No. 198 of 2024 for the offence punishable under sections 21(c), 23(c) and 29 of the N.D.P.S. Act, lodged on 07.06.2024 by the informant, Rajeev Nandan Sinha.

3. As per the prosecution story, the informant alleged that during vehicle checking accused were intercepted and allegation is that from accused persons 238 gm of Smack has been recovered/seized inasmuch as from:

- i. Prabhat Kumar @ Prabhat Patel (petitioner herein) 50 gm of Smack;*
- ii. Sagir Mian 88 gm of smack kept in polythene and 100 gm in newspaper;*



Accordingly, it was recovered/seized which followed the F.I.R.

4. Learned counsel for the petitioner submits that the police implicated due to local issue, he do not have criminal, in any case the recovery/seizure has been shown to be 50 gm which is below commercial quantity and he has remained in custody since 08.06.2024 (paragraph no.15 of the petition).

5. Learned APP opposed the prayer submitting that there is recovery of smack from his possession.

6. Considering the aforesaid submission as also the fact that the recovery is below the commercial quantity and he has remained in custody since 08.06.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari, in connection with N.D.P.S G.R No. 49 of 2024 arising out of Raxaul P.S. Case No. 198 of 2024, 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/her 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 fortnight for one year to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

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