

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70254 of 2024

Arising Out of PS. Case No.-298 Year-2024 Thana- NAUBATPUR District- Patna

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Bikku Kumar @ Vikku Kumar S/o Nageshvar Paswan R/o Village-
Rustamganj, P.O.- Naubatpur, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Samrendra Jha
For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 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 Special Case (NDPS) No. 114 pf 2024 arising out of Naubatpur P.S. Case No. 298 of 2024, registered for the offences punishable under Sections 8(c), 21(b) of the NDPS Act and Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. The police on a confidential informant that some notorious criminals are going to Naubatpur from Patna in a white car, intercepted the vehicle and apprehended two persons including the petitioner. From the possession of the petitioner one live cartridge and 5 grams brown sugar like substance as well as one mobile were recovered.



4. There is complete denial of any recovery from the possession of the petitioner.

5. Learned Advocate for the petitioner contended that the recovery of cartridge is nothing but suggests false implication of the petitioner in the present crime; moreover, the cartridge without pistol is of no use. It is further contended that so far as the brown sugar like substance weighing to the tune of 5 grams is concerned, the same is small quantity and as such the rigours provided under Section 37 of the NDPS Act is not attracted. Learned Advocate for the petitioner also pointed out the infirmities in the search and seizure and thus contended that there is no compliance of Sections 42 and 50 of the NDPS Act. Be that as it may, the petitioner is a man of fair antecedent and now he has been incarcerated since 28.05.2024.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the alleged recovery of brown sugar and cartridge have been made from the conscious possession of the petitioner.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation and the recovery of materials, coupled with the fair antecedent as also the investigation being completed, let the petitioner,



abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special (NDPS Act) Court No.-1, Patna in connection with Special Case (NDPS) No. 114 pf 2024 arising out of Naubatpur P.S. Case No. 298 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.

(Harish Kumar, J)

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