

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74831 of 2024

Arising Out of PS. Case No.-273 Year-2024 Thana- KANKARBAG District- Patna

Sagar Kumar S/O Late Kusumakar Prasad R/O Vill - Bigaha, P.S. - Tharthari,
Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh No. I, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Jitendra Kumar Singh, learned counsel
for the petitioner and Mr. Jitendra Kumar Singh, learned APP
for the State.

2. The petitioner is in judicial custody in connection with Kankarbagh P.S. Case No. 273 of 2024 for the offences punishable under Sections 21/22 (a) (b) of the N.D.P.S. Act, lodged on 20.04.2024 by the informant, Yashwant Kumar Jha.

3. As per the prosecution story, the informant alleged that upon information of selling of drugs near Lohia Park Kankarbagh, it reached the spot, the accused tried to escape, apprehended. They gave their name as Sagar Kumar (the petitioner herein) and Aditya Kumar Singh and there is recovery of 550 pieces of Leegestic Burprenorphine injection IP 2ML and 550 pieces Pheniramine Maleate injection IP (avil) Ampule total 330 mg of Buprenorphine having 1100 ml equivalent to 1.100



liter recovered from the bag. A pocket diary and a mobile of Oppo company were recovered from the possession of Sagar Kumar (petitioner) and a Samsung mobile was recovered from the possession of Aditya Kumar Singh. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that only because he has criminal antecedent earlier, implicated. Nothing has been recovered from his conscious possession and in any case the recovery/seizure is below the commercial quantity which is 1 to 20gm, he has remained in custody since 20.04.2024 (paragraph no.8 of the petition).

5. Learned APP for the State opposes the prayer submitting that the police upon information went to the place and apprehended whereafter, the recovery/seizure has been made.

6. Considering the aforesaid fact/submissions as also the period of custody including the fact that it is below the commercial quantity envisaged under N.D.P.S. Act, 1985, 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 Exclusive Special (NDPS Act) Court No.1, Patna in connection with Kankarbagh



P.S. Case No. 273 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 next one year to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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