

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73396 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- BELA District- Sitamarhi

Gagan Kumar Singh S/O Harish Chandra Singh R/O Village
-Machhapakauni, Ward no. -05, P.S-Bela, District -Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, APP
For the Opposite Party/s : Mr. Jitendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard Mr. Devendra Kumar, 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 Bela P.S. Case No.197 of 2024 for the offences punishable
under Sections 21 © of NDPS Act, lodged on 20.08.2024 by the
informant, Ravi Ranjan.

3. As per the prosecution story, the informant alleged
that he received information regarding keeping of intoxicated
medicines in the house by the petitioner. Accordingly, it was
raided and there is recovery/seizure of Exiplon syrup (108
bottles each of 100 ml) as also Nitravet tablets (38 stripes each
containing 30 tablets). Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



even accepting the allegation, it comes below the commercial quantity of 10 Grams to 1 Kg and 20 Grams to 500 Grams respectively relating to syrup and tablets. He has no criminal antecedent and remained in custody since 21.08.2024 (para-12 of the petition).

5. Learned APP opposes the prayer but concedes that it is below the commercial quantity.

6. Considering the aforesaid submissions put forward by the parties as also the period of custody and the petitioner has no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Special Judge, Sitamarhi, Bihar in connection with Bela P.S. Case No.197 of 2024 subject to the following conditions:

(i) one of the bailors should be the family member 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 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 month for next six months 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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