

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75658 of 2024

Arising Out of PS. Case No.-283 Year-2024 Thana- BIHAR District- Nalanda

Ashoutosh @ Rahul Kumar Son of Vinod Kumar Village- Nai Sarai,
Narsaliganj, P.S.- Biharsharif, District- Nalanda

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The Union of India,NDPS Act, Patna High Court Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishor Prasad, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP
For the UOI	:	Mr. Manoj Kumar Singh, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bihar P.S. Case No. 283 of 2024 for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act, lodged on 08.04.2024 by the informant, Gaurav Kumar Singh.

3. As per the prosecution story, the informant alleged that upon information that in Mohalla Nasriganj two persons are selling Heroin, it went to the place and apprehended Ashutosh @ Rahul Kumar (the petitioner herein) and Akash Kumar patel and 25 sachets of brown sugar weighing 12.71 gm as also some cash beside mobile was recovered/seized from the petitioner while 21 sachets of brown sugar weighing 10.50 gm



recovered/seized from Akash Kumar Patel. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the police due to some enmity implicated the accused persons. He do not have criminal antecedent, is a student and as per the N.D.P.S Act, 1985, it is below the commercial quantity which is 5 to 250 gm, he has remained in custody since 09.04.2024 (paragraph no.1 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid submissions put forward by the parties and he is a student having no criminal antecedent and is in custody since 09.04.2024 and recovered/seized articles is below the commercial quantity, 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-cum-Special Judge, NDPS Act, Biharsarif, Nalanda in connection with Bihar P.S. Case No. 283 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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