

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84191 of 2024

Arising Out of PS. Case No.-985 Year-2024 Thana- BIHTA District- Patna

Chhotan Kumar Son of Damodar Prasad Varma Resident of Village -
Samsara, Sadisopur, Police Station - Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava, Advocate
	:	Mr. Sanjay Kumar Singh, Advocate
	:	Mrs. Sarandha Suman, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-12-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Bihta P.S. Case No. 985 of 2024 for the offences punishable under Sections 8(c), 21(a) and 22(b) of the Narcotic Drugs and Psychotropic Substance Act, lodged on 23.10.2024 by the informant, Shankar Rajak.

3. As per the prosecution story, the informant alleged that during patrolling, upon secret information, the accused were apprehended and there is recovery/seizure of 4.284 gram of smack like substance beside Rs.9,260 and a mobile. This led to the F.I.R.

4. Mrs. Soni Shrivastava learned counsel for the petitioner submits that only because of criminal antecedent, he



has been implicated, nothing has recovered from his conscious possession and in any case it is below the commercial quantity.

5. Learned APP for the State opposes the prayer submitting that the recovery/seizure of smack like substance.

6. Taking into account the aforesaid facts as also the petitioner is in custody since 24.10.2024, the recovery/seizure is below the commercial quantity, in that background, 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. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge/Special Judge (NDPS), Patna in connection with Bihta P.S. Case No. 985 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 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 bail bonds.

(Rajiv Roy, J)

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