

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5269 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- JANKINAGAR District- Purnia

Abhimanya Kumar Yadav @ Abhimanyu Kumar @ Laltu @ Abhimanyu
Kumar Yadav Son Of Shobha Kant Yadav @ Shobhakant Yadav Resident Of
Rampur Tilak, Ward No.11, P.S. - Janki Nagar, District - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Special
Case No. 121 of 2023, arising out of Jankinagar P.S. Case No. 196 of
2023 registered for the offences punishable under Section 8(c) and
21(b) of the N.D.P.S. Act.

3. As per prosecution case, 12 gm of smack (brown
sugar) was recovered under the bed of the petitioner and petitioner
apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 26.09.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet has
been submitted in the case and there is no likelihood of tampering
with the prosecution evidence. He further submits that alleged



recovery of smack is 12 gm which falls under the purview of intermediary quantity as small quantity of smack is 5 gm and commercial quantity smack is 250 gm, as per N.D.P.S notification. Learned counsel submits that alleged recovery has been made from the joint house of the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea in connection with Special Case No. 121 of 2023, arising out of Jankinagar P.S. Case No. 196 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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