

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3241 of 2024

Arising Out of PS. Case No.-446 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

Subash Kumar Chaudhary @ Bhim S/O Late Vishwanath Chaudhary R/O
Village- Sadpura, Milki Tola, P.S. Kazi Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kazi Mohammadpur P.S. Case No. 446/2023 registered for the offences punishable under Sections 8(C)/ 21(b) of the N.D.P.S. Act.

3. As per prosecution case, there was alleged recovery of 14 gm smack like substance as well as Honda Shine motorcycle from the possession of the petitioner and he apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 26.10.2023



and bears no criminal antecedent. He further submits that there is alleged recovery of 14 gm Smack which falls under the purview of intermediary quantity as small quantity of Smack is 05 gm and commercial quantity of Smack is 250 gm, as per N.D.P.S. notification. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no no compliance of Section 50 of the N.D.P.S. Act.

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 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 446/2023, 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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