

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2388 of 2024

Arising Out of PS. Case No.-1145 Year-2023 Thana- PHULWARISHARIF District- Patna

Sujit Kumar son of Bimal Ram Resident of Raghunathpur, Police station
Brahmpur, District Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through Narcotics Control Bureau, Govt. of India,
Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shanker Pankaj, Advocate
For the State	:	Mr. Rajendra Prasad Shastri, APP
For the U.O.I.	:	Ms. Shail Kumari, CGC

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

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

2. The petitioner seeks bail in connection with Special
(NDPS) Case No. 215 of 2023, arising out of Phulwari Sharif
P.S. Case No. 1145 of 2023 instituted for the offence under
Sections 8(C)/21(b) of the N.D.P.S. Act.

3. As per prosecution case, 7.38 gram of heroine
(smack) has been recovered from the possession of the
petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 09-08-2023. Petitioner is
stated to be man of clean antecedents.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. In fact, seizure list is not in accordance with law. The quantum of recovery is slightly above small quantity, and way below commercial quantity. Hence, there is no compliance of Section 37 of the NDPS Act. There is no compliance of Sections 41, 42, 50 & 67 of the NDPS Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special (NDPS) Case No. 215 of 2023, arising out of Phulwarisharif P.S. Case No. 1145 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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