

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33726 of 2025

Arising Out of PS. Case No.-744 Year-2024 Thana- MASAUDHI District- Patna

Baiju Kumar S/o- Satish Prasad Village- Nauavag Po- Usmanchak Ps-
Masaurhi Dist- Patna Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Masaurhi P.S. Case No. 744 of 2024 instituted under Sections 8, 20(b) (ii) (B) of NDPS Act lodged on 01.09.2024 by the informant, Alok Kumar.

3. As per the prosecution story, the informant alleged that the Police on secret information, constituting a team, raided the place. Three boys were intercepted. They were Md. Sahazad, Md. Shivu and Ramesh Kumar and there is recovery/seizure as follows:

(i) Md. Sahazad 3.25 grams of brown sugar;

(ii) Ramesh Kumar 2.62 grams of brown sugar;

(iii) no recovery from Md. Shivu.

4. They gave the name of the petitioner as supplier. This led to the FIR.



5. Learned counsel for the petitioner submits that perusal of the FIR would show that specific recovery is from Md. Sahazad, Md. Shivu and Ramesh Kumar and only because, they named, got implicated, he do not have criminal antecedent and in any case, the recovery is below the commercial quantity.

5. Learned APP opposes the prayer submitting that he has been named as supplier but concedes that it is below the commercial quantity.

6. Considering the submissions of the parties, as aforesaid recorded, the petitioner do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Masaurhi P.S. Case No. 744 of 2024 to the satisfaction of learned Judicial Magistrate, Masaurhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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 his bail bonds.

(Rajiv Roy, J)

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