

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88430 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- DIDARGANJ District- Patna

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Jaypal Singh Son Of Mochan Ray @ Bhochan Ray Resident Of Village -
Nizampur, P.S.- Didarganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the State : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Didarganj P.S. Case No. 293 of 2024 for the offences punishable under Sections 21(b) & 22(b) of the N.D.P.S. Act, lodged on 21.08.2024 by the informant, Mithilesh Kumar.

3. As per the prosecution story, the informant alleged that on secret information during patrolling, the accused were intercepted and there is recovery/seizure of 6.6 gm smack in fifteen packets. This led to the F.I.R./arrest of the petitioner.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, implicated. He is in custody since 21.08.2024 and in any case, the recovery/seizure is below the commercial quantity of 250 gm.

5. Learned APP for the State opposes the prayer



submitting that he has criminal antecedent. However, he concede that the same is below the commercial quantity.

6. Considering the submissions put forward by the parties as also his period of custody, coupled with the fact that the recovery/seizure is below the commercial quantity, 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. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge/Special Judge (N.D.P.S. Act), Patna in connection with Didarganj P.S. Case No. 293 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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