

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85439 of 2024

Arising Out of PS. Case No.-283 Year-2024 Thana- BIHAR District- Nalanda

=====

Aakash Kumar Patel @ Akash kumar Patel Son of Mahesh Prasad @ Mahendra Prasad Resident of Village -Gotiya, PS- Asthawan, A/P Moh-Chaudhary Colony, PS- Bihar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Prakash Kumar, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Bihar P.S. Case No. 283 of 2024 for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act, lodged on 08.04.2024 by the informant, Gaurav Kumar Singh.

3. As per the prosecution story, the informant alleged that upon information that in Mohalla Nasriganj two persons are selling Heroin, it went to the place and apprehended Ashutosh @ Rahul Kumar and Akash Kumar Patel (the petitioner herein) and 25 sachets of brown sugar weighing 12.71 gm as also some cash beside mobile was recovered/seized from the Rahul Kumar while 21 sachets of brown sugar weighing 10.50 gm recovered/seized from the petitioner. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the



police due to some enmity implicated the accused persons. He do not have criminal antecedent, is a student and as per the N.D.P.S Act, 1985, it is below the commercial quantity which is 5 to 250 gm, he has remained in custody since 09.04.2024 (paragraph no.4 of the petition). Last submission is that a similarly situated co-accused, namely, Ashoutosh @ Rahul Kumar has been granted bail in Cr. Misc. No. 75658 of 2024.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid submissions put forward by the parties as also that he is a student having no criminal antecedent and is in custody since 09.04.2024, recovered/seized articles is below the commercial quantity, one of the similarly situated co-accused, as stated above, has been granted bail, 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-cum-Special Judge, NDPS Act, Biharsarif, Nalanda in connection with Bihar P.S. Case No. 283 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 now 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)

perwez

U		T	
---	--	---	--

