

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89678 of 2024

Arising Out of PS. Case No.-301 Year-2024 Thana- SAHPUR District- Patna

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Jitu Kumar @ Shaka @ Jitu Prasad S/o Kanhai Ram R/o Turha Toli, P.S. -
Shahpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Shahpur P.S. Case No. 301 of 2024, registered for the alleged offences under Sections 8(c) & 21(A) of NDPS Act.

3. As per prosecution case, recovery of 4.41 gram of smack and Rs.29,700/- cash were made from the petitioner and co-accused persons when they were apprehended after a raid made on receipt of secret information.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a poor person and running a tea stall and has been falsely implicated in this case by the police in its



highhandedness. Nothing incriminating has been recovered from the person or possession of the petitioner. Even otherwise the recovery shown from the petitioner is only of 0.84 gm of smack. Learned counsel further submits that even from all the accused persons recovery of only 4.41 gram of smack has been made which is below the notified small quantity. The petitioner is in custody since 11.09.2024 and charge sheet has been submitted. The petitioner is having antecedent of one more case in which he is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the small quantity of contraband, submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to 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 learned Sessions Judge/Special Judge (NDPS), Patna/concerned Court in connection with Shahpur P.S. Case No. 301 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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