

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22985 of 2020

Arising Out of PS. Case No.-66 Year-2014 Thana- MOUZA HIDPUR District- Bhagalpur

NAND LAL SAH, aged about 60 years, sSon of Gurucharan Sah, Resident of
Village - Aliganj Gangti, P.S.- Babarganj O.P., District - Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar.
2. The Union of India.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Anuj Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 08-12-2020 Heard learned counsel for the petitioner and
learned APP for the State through Virtual Court Proceeding.

In this case, the petitioner is seeking regular bail in
connection with Mojahidpur (Babarganj) P.S. Case No.66 of
2014 (G.R. No.2041 of 2014), registered for the offence under
Section 20(b)(c) / 23(c) / 25 of the N.D.P.S. Act.

Allegation has been made that huge quantity of
Ganja has been recovered from the house and vehicles of the
brother of the petitioner.

Learned counsel for the petitioner submits that
earlier this petitioner had moved before this Court in Criminal
Miscellaneous No.44203 of 2014 and this Court vide order
dated 23.1.2015 refused to grant bail to the petitioner on account



having criminal antecedent but, while rejecting the bail petition this Court had observed that the said *Ganja* were not recovered from the house of the petitioner rather, the same was recovered from the house of the brother of the petitioner.

Learned counsel for the petitioner further submits that the petitioner is in custody for more than six years and the report of the Additional Sessions Judge, 1st, Bhagalpur, indicates that two accused persons namely, Binod Tiwari and Bablu Singh are not appearing to participate in the proceeding and for that N.B.W. against both the accused persons has been issued on 16.08.2019 and under Section 82 and 83 Cr.P.C. has been issued on 19.02.2020. The said report also indicates that the case is still pending for appearance and service report of execution of N.B.W. and under Section 82 and 83 Cr.P.C.

Considering the aforesaid facts as well as the period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st A.D.J., Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No.66 of 2014 (G.R. No.2041 of 2014), subject to the condition that (i) one of the bailors shall be a close relative of the petitioner i.e.



mother/father/wife/son/daughter (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of bail and (iii) the petitioner would cooperate in the proceeding of the court below. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

(Shivaji Pandey, J)

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