

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17853 of 2021**

Arising Out of PS. Case No.-344 Year-2020 Thana- NAWANAGAR District- Buxar

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DIPU KUMAR Son of Basropan Sah Resident of Village- Sowar, P.S. -
Krishna Braham, District - Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner seeks

permission to add one more criminal antecedent in paragraph ‘3’

stating that as per the case diary there are three cases and one of

them is Krishnabraham P.S. Case No. 276 of 2020 dated

29.05.2020 is also there against the petitioner which may be

taken note of.

Heard Mr. Shankar Kumar, learned counsel for the

petitioner and Mr. Pramod Kumar Pandey, learned A.P.P. for the

State.

Petitioner in the present case is seeking regular bail in

connection with N.D.P.S. Case No. 38 of 2020 arising out of Nawanagar P.S. Case No. 344 of 2020 registered for the offences punishable under Section 20(b)(ii)(c) and 22(b) of Narcotic Drugs and Psychotropic Substances (N.D.P.S.) Act and Sections 25(1-b)a, 26 and 35 of the Arms Act. He is in custody since 29.09.2020 and is accused in three cases.

Learned counsel for the petitioner submits that as per the prosecution story, five hundred grams of ganza had been recovered from the vehicle in question, however, from possession of the petitioner one country-made katta with two live cartridges, one Oppo mobile and one Samsung company mobile have been recovered.

Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case for almost one year, investigation against him is complete but the trial is not likely to commence in near future.

Mr. Pramod Kumar Pandey, learned A.P.P. for the State has submitted that so far as the ganza is concerned, it is in small quantity and has been found from the vehicle.

Considering the facts and circumstances of the case wherein the petitioner has remained in custody for almost one year, so far as the present case is concerned, let the petitioner be

released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned District Judge-cum-Special Judge, N.D.P.S. Act, Buxar in connection with N.D.P.S. Case No. 38 of 2020 arising out of Nawanagar P.S. Case No. 344 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.