

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18019 of 2020

Arising Out of PS. Case No.-177 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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DHARMENDRA MISHRA Son of late Harinarayan Mishra Resident of
Village - Sanha, P.S.- Sahebpur Kalam, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

7 10-02-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 20(b) of the NDPS Act.

Allegation is recovery of 150 kg. of Ganja from a
vehicle which was being boarded by the petitioner.

Earlier also, petitioner had moved this Court for grant
of regular bail which was rejected vide Annexue 1 with a
direction to the trial court to expedite the trial and conclude the
same within one year.

It has been submitted on behalf of the petitioner that
he is innocent and has falsely been implicated in this case. It
has further been submitted that nothing was recovered from the
conscious possession of the petitioner and petitioner has no



concern either with the alleged recovered Ganja or seized vehicle, as he was merely a passenger of said vehicle alongwith other passengers who fled away on seeing police. It is further contended that all the witnesses of so called seizure is member of raiding party and there is no independent witness, whereas the alleged recovery of Ganja was made at a busy place, as such, there is violation of Section 100 of the Cr.P.C. There is non-compliance of mandatory provisions of NDPS Act.

Petitioner has no criminal antecedent and he is in custody since 14.05.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with NDPS Case no.02/18 arising out of Case No. 177 C2/18, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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