

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28314 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- CHHATAUNI District- East Champaran

SAGIR @ PYARE S/O JAHANGIR R/O MOHALLA-KHUDA NAGAR,
P.S-CHHATAUNI, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Dipak, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-12-2021 Hear learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 24.08.2020,
seeks bail in connection with N.D.P.S. Case No. 33 of 2020,
arising out of Chhatawni P.S. Case No. 295 of 2020, for the
offence punishable under Section 20(b)(ii)(C) and 25 of the
N.D.P.S. Act.

The prosecution case, in brief, is that one kilogram
Ganja was recovered from the room of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the conscious
possession of the petitioner and he has falsely been implicated
in this case. He further submits that similarly situated co-



accused, namely, Md. Sajid @ Sajid @ Babu has already been enlarged on bail by a co-ordinate Bench of this Court on 07.10.2021 passed in Criminal Miscellaneous No. 22159 of 2021 as such he deserves to be released on bail.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that one kilogram Ganja has been recovered from the house of petitioner as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, it is directed that the learned Court below after verifying the criminal antecedent of the petitioner and on being satisfied that there is no other criminal case is pending against the petitioner as what has been stated in paragraph No.3 of the application, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, East Champaran, Motihari, in connection with Chhatawni P.S. Case No. 295 of 2020 subject to the 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.

(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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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