

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30079 of 2021

Arising Out of PS. Case No.-367 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

BHOLA SHAH @ SATYENDRA SHAH @ BHOLA JAISWAL Son of Sarju
Shah @ Sarayu Prasad Jaiswal Resident of Village- Bharkhar, P.S.- Mohania,
District- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with N.D.P.S. Case No. 45 of 2020 arising out of Mohania P.S. Case No. 367 of 2020 registered for the offences punishable under Sections 8/21(B)/27(A) of the N.D.P.S. Act.

According to prosecution case, having got secret information the informant along with other officials conducted a raid and apprehended co-accused persons. The informant further alleges that on disclosure made by the accused persons, petitioner was apprehended and 13 packets of smack have been



recovered from possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that 13 packets of smack weighing 6.5 grams have been recovered from possession of the petitioner and the said quantity does not come under the purview of commercial quantity. Petitioner is in custody since 20.11.2020. Learned counsel further submits that co-accused Marachhu Ram has been granted bail by a co-ordinate Bench of this court vide order dated 07.10.2021 passed in Cr. Misc. No. 17695 of 2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum Special Judge, Kaimur at Bhabua in connection with N.D.P.S. Case No. 45 of 2020 arising out of Mohania P.S. Case No. 367 of 2020, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

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