

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34414 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- CHARPOKHARI District- Bhojpur

PASHUPATI PANDEY S/o Late Ram Tawakya Pandey Resident of Village -
Nagari, P.S. - Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-12-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner seeks bail in connection NDPS Case no. 08/2021 arising out of Charpokhari P.S. Case no. 23/2021 registered for the offence punishable under sections 8/20 (b) (ii)B and 27 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that petitioner is in custody since 07.02.2021 and is person with clean antecedent and charge sheet has been submitted. Learned counsel for the petitioner submits that from perusal of the



allegation as alleged in the FIR, it would manifest that the informant alleges that on information he raided the house of Pashupati Pandey (petitioner) and caught Pashupati Pandey outside his house and house was searched in presence of BDO, Charpokhari and two independent witnesses and it is alleged that 3.5 kg ganja in white plastic bag was recovered along with Rs 10,000/- cash, weighing machine and mobiles were also recovered. He next submits that petitioner has been falsely implicated in this case and alleged ganja recovered is little more than small quantity and much less than commercial quantity.

Learned APP opposes the prayer for bail and submits that 3.5 kg ganja was recovered in presence of BDO which is more than small quantity.

Considering the facts that petitioner is in jail custody since 07.02.2021 and is person with clean antecedent and charge sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Addl. District and Sessions Judge I, Bhojpur at Ara in NDPS Case no. 08/2021 arising out of Charpokhari P.S. Case no. 23/2021 with condition that one of the bailers would be cousin brother of the petitioner who has sworn the



affidavit and further till charges are not framed, petitioner would mark his attendance on 20th of every month in the concerned police station commencing from December, 2021, in the event, it is reported by the police to the learned court below that petitioner has not marked his attendance on any of 20th of any month, the learned court below would be at liberty to cancel his bail bond. This condition has to be followed mandatorily till charges are not framed.

(Satyavrat Verma, J)

s.hassan/-

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