

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47301 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- ANDHRATHARHI District- Madhubani

BAIJNATH SAH @ BAIJNATH SAHU Son of Yugeshwar Sah Resident of
Village- Madna, Police Station- Andhrathadi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with G.R. No. 06 of 2021 (NDPS- 06 of 2021) arising out of Andhratharhi P.S. Case No. 19 of 2021 registered for the offence under Sections 20, 21 and 22 of the N.D.P.S. Act and Section 30(A) of the Bihar Prohibition and Excise Act.

The case relates to recovery of approx 3 Kg of Ganja and two liters of country made liquor.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and



has falsely been implicated in this case. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner. As a matter of fact, the alleged quantity of recovered Ganja does not come within the purview of commercial quantity and more particularly, the seizure list does not contain the signature of the petitioner which attracts violation of Section 100 of the Cr.P.C. The petitioner is rotting in judicial custody since 26.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District Judge, Madhubani in connection with G.R. No.06 of 2021 (N.D.P.S.- 06 of 2021) arising out of Andhrathari P.S. Case No. 19 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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