

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4203 of 2021**

Arising Out of PS. Case No.-344 Year-2020 Thana- NAWANAGAR District- Buxar

Santosh Kumar Jaiswal Aged About 42 Years S/O- Late Mathura Prasad R/O
Village- Bichali Bajar, Ara, P.S.- Ara (T) Nagar, District- Bhojpur (Ara).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Arvind Kumar Pradhan, Advocate
For the Opposite Party : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 19-03-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 20 and 22 of the NDPS Act and sections 25, 26 and 35 of the Arms Act.

As per the prosecution case, on secret information, police intercepted Bolero vehicle and arrested six persons and from the possession of the petitioner police recovered one mobile phone and cash Rs.12,000/-, whereas mobile phones, 500 grams Ganja, pistols and cartridges etc were recovered from the vehicle and from possession of other accused persons.

Learned counsel appearing for the petitioner submits that the petitioner is 40% handicapped and poor labourer and



was mere passenger of the vehicle and had no knowledge of other co-passengers travelling with him. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 29.9.2020.

Considering the fact that no narcotic substance has been recovered from the conscious possession of the petitioner and he has got no criminal antecedent and charge sheet has already been submitted, let the petitioner, above named, 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 Special Judge, N.D.P.S.Act, Buxar in NDPS Case No.38/2020, Nawanagar Police Station Case No. 344/20 on 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 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.

(Prabhat Kumar Singh, J)

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