

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6872 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- KALYANPUR District- East Champaran

JITENDRA JAISWAL, SON OF YADOLAL SAH, RESIDENT OF
VILLAGE - KALYANPUR, P.S.- KALYANPUR, DISTRICT- EAST
CHAMPARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with N.D.P.S. Case No. 57 of 2020 arising out of Kalyanpur P.S. Case No. 260 of 2020 registered for the offences punishable under Sections 414/34 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and 20, 22 and 24 of the Narcotics Drugs and Psychotropic Substances Act (N.D.P.S. Act).

Learned counsel for the petitioner submits that as per the prosecution story the informant who is S.I.-cum-S.H.O of Kalyanpur Police Station on secret information, alongwith Anchal Adhikari, Kalyanpur, conducted raid near a pond in



village where they saw two persons. On seeing police party both of them tried to flee away on motorcycle but one person namely, Manish Kumar Singh fell down and was caught by the police and from his possession 11 pudiya smack, each containing half gram, one country made pistol, one knife and 03 cartridges of .315 bore were recovered. On further inquiry Manish Kumar Singh disclosed the name of this petitioner, who was arrested from his house and from his possession 14 pudiya smack, each containing about half gram and a motorcycle was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the alleged recovery of seven grams of smack is much below the commercial quantity. It is submitted that the petitioner has got no criminal antecedent and is languishing in custody since 15.10.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the allegation against the petitioner is that he alongwith co-accused Manish Kumar Singh had been indulged in selling of smack and on the basis of the disclosure made by Manish Kumar Singh when a raid was conducted in the house of



the petitioner, 14 puria smack containing about half gram and one motorcycle was recovered, the submission of learned counsel for the petitioner being that the motorcycle belongs to the petitioner and he has been falsely implicated showing recovery of 14 puria of smack from his house as also that the alleged quantity is only seven gram whereas the commercial quantity of smack is 250 grams, the petitioner has otherwise no criminal antecedent and he is in custody since 15.10.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, Motihari, East Champaran in connection with N.D.P.S. Case No. 57 of 2020 arising out of Kalyanpur P.S. Case No. 260 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

