

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2829 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- ARA NAGAR District- Bhojpur

Ganesh Soni Son Of Late Shivnath Soni R/O Village- Shital Tola, P.S.- Ara
Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

N.D.P.S. Case No. 04 of 2021 arising out of Ara Nagar P.S.

Case No. 42 of 2021 registered for the offences punishable

under Sections 20(B)(ii)(b) and 29 of N.D.P.S. Act.

As per allegation, 1.250 kg of contraband was

recovered from the possession of the petitioner and his

associate.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that 7.750 kg of contraband



was recovered from the possession of the petitioner, which is much lower than the commercial quantity and there is no proper compliance of Section 50 of NDPS Act in regard to recovery. He also submitted that the other co-accused person, namely, Kundan has already been enlarged on bail by the Court below itself, from whom there was recovery of 1.2 kg contraband.

The petitioner has been languishing in jail since 15.01.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Ld. Sessions Judge, Bhojpur at Ara in connection with N.D.P.S. Case No. 04 of 2021 arising out of Ara Nagar P.S. Case No. 42 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his



knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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