

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13765 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

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CHANDAN CHOUDHARY, S/o Late Indradev Choudhary Resident of
Village- Pipra Kutti, P.S.- Valmikinagar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with

Valmikinagar P.S. Case No. 86 of 2021, registered for the

offences punishable under Sections 20 and 22 of N.D.P.S

Act.

As per the allegation, 900 gm. of "*Ganja*" and 17

small packets of "Smack" have been recovered.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that the quantity of alleged

recovery of narcotics comes under "small quantity", as



prescribed in the NDPS Act and, therefore, the petitioner deserves bail. He further submits that the seizure list has not been prepared as per the rules provided in the Cr.P.C.

The petitioner is in custody since 08.12.2021

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 that the petitioner has been made accused in one more case, namely, Valmikinagar P.S. Case No. 41 of 2020.

However, the learned APP for the State has opposed the prayer for bail.

Considering the 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 learned Sessions Judge, Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 86 of 2022 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 criminal antecedent other than the disclosed one, 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 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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