

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25946 of 2021**

Arising Out of PS. Case No.-452 Year-2020 Thana- NAGAR District- Vaishali

Anwarul Haque Son Of Mannan Alam @ Mannan R/O Village- Kauriya, P.S-
Sugauli, Dist- Motihari (EAST Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-01-2022 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 in virtual Court proceeding.

The petitioner seeks bail in connection with Hajipur Town P.S.Case No.452 of 2020 registered for the offence under Sections 8/20(b)(II)(B)/29 of the N.D.P.S. Act.

The prosecution case, in short, is that the petitioner is alleged to have been apprehended by the Police with two others riding on a motorcycle and on being searched 2 Kg. Ganja has been recovered from each of the apprehended persons.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that 2 Kg of Ganja has been allegedly recovered from possession of the petitioner but the quantity is less than the commercial quantity and the rigour of Section 37 of the N.D.P.S. Act could not be attracted in this case and the petitioner is in custody in this case since 14.07.2020. He further submits that the investigation of the case against the petitioner is complete. He further submits that co-accused, namely, Vikash Kumar Ram @ Vikash Kumar has been granted bail vide order dated 17.03.2021 in Cr. Misc. No.1274 of 2021 by a Coordinate Bench of this Hon'ble Court.

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 petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st -cum-Special Judge, Hajipur, Vaishali in connection with Hajipur Town P.S.Case No.452 of 2020 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 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.

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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