

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16988 of 2022

Arising Out of PS. Case No.-525 Year-2021 Thana- BIHTA District- Patna

Arvind Kumar @ Chhotu Son Of Satendra Singh R/O Village- Dhusariya,
P.S.- Barhara, Dist.- Ara, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 8, 20(b)(II) (B) and 22 of N.D.P.S. Act read with Sections 411, 413 and 414 of the Indian Penal Code.

The prosecution story in brief is that on 27.07.2021, the informant along with the police personnel for going to patrolling in the night and when the informant reached at Pali Halt, he received an information that three persons on motorcycle were coming with Ganja for selling the same



towards Patna and the motorcycle was also stolen, thereafter three persons on a White-Red Xtreme Motorcycle coming from Ara side who were instructed to stop but they tried to take U-turn. After chasing them they were apprehended who disclosed their name as Arvind Kumar @ Chhote, Abhinandan Singh @Nandan Singh and Rahul Singh. During the course of investigation, three plastic bag having a Ganja like substance was recovered from the possession of Abhinandan Singh @Nandan Singh. The weight of the said plastic bags with the material kept on the those bag was 3 Kg. The apprehended persons also disclosed that they had snatched the motorcycle on 14.07.2021 near Lakhan Tola. It is further alleged that on demand, no paper with regard to Ganja was produced by them. Thereafter seizure list was prepared.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that altogether 03 Kg of Ganja has been recovered from possession of co-accused, namely, Abhinandan Singh. He further submits that nothing has been recovered from conscious possession of the petitioner and co-accused, namely, Rahul Singh has been granted bail by a Coordinate Bench of this



Hon'ble Court vide order dated 16.06.2022 in Cr. Misc. No.7343 of 2022 and another co-accused namely, Abhinandan Singh @ Nandan has also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 29.06.2022 in Cr. Misc. No.11183 of 2022 and the petitioner is in custody since 28.07.2021.

Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the FSL Report confirms that the recovered contraband is Ganja.

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 Court below where the case is pending in connection with Bihta P.S. Case No. 525 of 2021, 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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