

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19199 of 2022**

Arising Out of PS. Case No.-715 Year-2021 Thana- JAHANABAD District- Jehanabad

DIPAK PANDEY SON OF GANGADHAR PANDEY R/O VILLAGE-
SAIDABAD, P.S.- PALI, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 29-07-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with N.D.P.S. Case No.13/2021 arising out of Jehanabad
(Karauna O.P.) P.S. Case No.715/2021 instituted under Sections
8/20(B)(ii)(C) of the N.D.P.S. Act.

As per the allegation in the FIR, the police upon
information that co-accused Amit Kumar is selling ‘*Ganja*’,
raided his house and apprehended three persons, they included
Amit Kumar, Gangadhar Pandey and Deepak Pandey, the
petitioner herein. It has further been alleged that from Amit
Kumar, 37 KG 950 Grams ‘*Ganja*’, one mobile and cash of
Rs.5000/- were recovered/seized, from Gangadhar Pandey 3 Kg.



970 Grams of '*Ganja*' was recovered/seized while from this petitioner 2 Kg. 20 Grams of '*Ganja*' was recovered/seized. It is further alleged that a polythene was thrown by one Sanjit Kumar which contained 70 Grams of '*Ganja*', which was also recovered/seized.

Learned counsel for the petitioner submits that the quantity is below the standard set in the NDPS Act for commercial use is in jail since 16.11.2021 (as stated in para-13 of the bail application) and has clean antecedent.

Taking into account the aforesaid fact as also that he is in jail since 16.11.2021 and charge-sheet stands submitted as also that he has no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No.13/2021 arising out of Jehanabad (Karauna O.P.) P.S. Case No.715/2021 to the satisfaction of learned Sessions Judge, Rohtas at Sasaram, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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