

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36133 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- JANDAHA District- Vaishali

Laxman Kumar Singh @ Laxman Singh Son of Nand Kishor Singh Resident
of village - Rampur Bhagel, P.S.- Desari, District - Vaishali (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Jandaha P.S.
Case No. 12 of 2020 registered for the offences punishable
under Sections 414 of Indian Penal Code, Section 25(1-b)a, 26,
35 of Arms Act and Section 20 and 22 of N.D.P.S. Act.

According to prosecution case, one loaded country
made pistol, two live cartridges, knife and 05 Kg. Ganja has
been recovered from the possession of the petitioner and
altogether 10 Kg. Ganja have been recovered from the
possession of all the accused persons.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one loaded country made pistol, two live cartridges and one knife and 05 kg. Ganja has been recovered from the possession of the petitioner and altogether 10 kg. Ganja has been recovered from all the accused persons. He further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. It appears that quantity of Ganja recovered from the petitioner is less than the commercial quantity, hence, there is no bar of this Court to grant of bail to the petitioner. It is further submitted that the police after investigation submitted the charge sheet against the petitioner and other co-accused persons. He further submits that similarly situated co-accused, namely, Mukesh Paswan and Pramod Kumar Paswan have been granted bail by a co-ordinate Bench of this Court vide orders dated 07.12.2020 and 05.02.2021 passed in Cr. Misc. No.32785 of 2020 and Cr. Misc. No. 38207 of 2020. The petitioner is in custody since 27.01.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries six criminal



antecedents.

Considering the aforesaid facts and circumstances, 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 the learned Special Judge, N.D.P.S. Court, Hajipur, Vaishali in connection with Jandaha P.S. Case No. 12 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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