

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19626 of 2022

Arising Out of PS. Case No.-395 Year-2021 Thana- GARDANIBAG District- Patna

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Ganesh Shriwastwa @ Ganesh Srivastva S/o Late Ramji Prasad Srivastava
Resident of Village- Anisabad, Near Lal Mandir, P.S.- Gardanibagh, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dayashanker Pandey, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-10-2022 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.

The petitioner seeks bail in a case registered for the
offence under Sections 413,414,120(B),419,467,468,471,34 of
IPC and Sections 20(ii)/22(ii)/27 of N.D.P.S.Act.

Recovery is of 704 Gm of Ganja.

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 it appears
from the FIR as well as seizure list that altogether 704 Gm of



Ganja has been recovered from the motorcycle in question. Further submits that in fact nothing has been recovered from possession of the petitioner rather the recovery has been made from co-accused persons and the recovered Ganja is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.11.2021.

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

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Gardanibagh P.S. Case No.395 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.

(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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