

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34025 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Anil Bhandari Son of Late Ramesh Bhandari Resident of Mohalla - Bakarganj
(Kachahari Pokher), P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Laheriasarai P.S. Case No. 34 of 2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act and Section 20, 22 of the N.D.P.S. Act.

According to prosecution case, on search from the pocket three live cartridges and one black colour polythene containing Pentazocine injection IP 30 Mg., Tazowin five bottles, 56 Alprazolam tablets and Pyeevon-spas plus tablet nine pieces were recovered from the possession of the petitioner.

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 as per F.I.R. three live cartridges and one black colour polythene containing Pentazocine injection IP 30 Mg., Tazowin five bottles, 56 Alprazolam tablets and Pyeevon-spas plus tablet nine pieces were recovered from the possession of the petitioner. He further submits that as per allegation the alleged quantity of alleged substance is less than the commercial quantity and Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 would not attract the same and as such the petitioner may be enlarged on the bail. He further submits that similarly situated, co-accused, namely, Sunil Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 27.09.2021 passed in Cr. Misc. No. 25504 of 2021. The petitioner is in custody since 15.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that petitioner carries two 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



Sessions Judge-cum-Special Judge, N.D.P.S. Act, Darbhanga in connection with G.O. (N.D.P.S.) Case No. 4 of 2021 arising out of Laheriasarai P.S. Case No. 34 of 2021, 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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