

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24298 of 2022

Arising Out of PS. Case No.-654 Year-2021 Thana- BARHARA District- Bhojpur

Vijay Kr. Chaudhery @ Vijay Chaudhery Son Of Late Annant Chaudhery R/O
Village- Ramsagar, P.S.- Barhara, District- Bhojpur At Ara

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. The Union Of India New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shashank Shekhar Sinha
For the Opposite Party/s :	Mr. RAM SUMIRAN RAI
	Mr. K.N.SINGH (A.D.S.G)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Barahara P.S. Case No. 654 of 2021, registered for the

offences punishable under Section 21(b) of NDPS Act, 1985

read with Sections 30(a) and 36 of Bihar Prohibition and

Excise (Amendment) Act, 2018.

As per allegation, 95 *pudiya* weighing about 83

grams wrapped in a newspaper was recovered from the

petitioner.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that allegedly recovered contraband is less than commercial quantity. He also submits that recovery has not been made from the conscious possession of the petitioner. He further submits that similarly situated co-accused person namely, Chetan Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 19.11.2022 passed in Cr. Misc. No. 58410 of 2022.

The petitioner has been languishing in jail since 22.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in three other cases.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. (Other) Special Excise Court, 1st, Bhojpur, Ara in connection with Barahara P.S. Case No. 654 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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