

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24849 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- SHEKHPURA District- Sheikhpura

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Manish Kumar @ Manish Paswan Son Of Raj Kumar @ Raj Kumar Paswan
Resident Of Mohalla- Ahiyapur, Kumhar Toli, P.S- Sheikhpura, Dist-
Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate.

For the Opposite Party/s : Ms. Anita Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 10-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Raj Krishan Jha, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Sheikhpura P. S. Case No. 104 of 2022

giving rise to Special N.D.P.S. case No. 01/22 registered for the

offences punishable under Sections 22 and 20 of the Narcotic

Drugs And Psychotropic Substances Act.

As per the prosecution case, it is alleged that on a

secret information, the Police conducted raid and on search, 70



gram Ganja kept in a black coloured plastic bag was recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovered ganja is below the small quantity and for that punishment is provided only for six months. So far this petitioner is concerned, he is in custody since 09.03.2022. It is next submitted that prior to the alleged occurrence, the petitioner had absolutely clean antecedent and moreover, without obtaining the F.S.L report, the charge sheet has been submitted, which also vitiates the entire prosecution case.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery is much below the small quantity and this petitioner is in custody since 09.03.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Sheikhpura in connection with Sheikhpura P. S. Case No. 104 of 2022 giving rise to Special N.D.P.S. case



No. 01/22, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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