

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37695 of 2021

Arising Out of PS. Case No.-766 Year-2020 Thana- ALAMGANJ District- Patna

Sanjay Sao @ Bhola Thathera, S/O- Late Munna Prasad, R/O- Sakari Gali
Gowal Toli, P.S. - Alamganj, Distt. - Patna. At present- In the house of Late
Prakash Sao, Beldar tola, Bela Bazar, P.S. - Bela, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate Mr. Nityanand Kumar, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 28-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Y. C. Verma, learned senior counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Alamganj P.S. Case No. 766 of 2020 (Spl. Case
No. 171 of 2020) for the offences punishable under Sections
411/414 of the Indian Penal Code and Sections 20/22 of the
N.D.P.S. Act.

As per prosecution case, it is alleged that on secret
information, the police apprehended two persons including this
petitioner. On search being made 1 Kg Ganja like substance
kept in bag carrying by the petitioner has been recovered. It is



also alleged that one golden chain and Rs.10,000/- have also been recovered from the possession of this petitioner.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that the alleged recovered Ganja is weighing 1 kg, which is small quantity and for which maximum punishment is provided for six months. It is further submitted that there is no compliance of Sections 43 and 50 of the NDPS Act and, moreover, the investigation of the present crime is already completed and the charge-sheet has been submitted. It is also submitted that co-accused Raja Kumar, against whom there is identical allegation has been levelled, has been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 35930 of 2021 vide order dated 16.02.2022. The petitioner is in custody since 15.12.2020.

Learned senior counsel also submits that due to inadvertence, at the time of filing of the bail application, on account of non-communication, in paragraph no.3 only one criminal antecedent has been mentioned, though later on when the person, who sworn the affidavit came to know about the other antecedents of the petitioner, filed a supplementary affidavit bringing on record that the petitioner has been found involved in ten other cases, apart from the present case.



On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has found involved in various serious nature of criminal cases and, as such, the petitioner does not deserve bail.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of accusation and the quantity of recovery, which has been made from the possession of this petitioner, apart from the fact that the other similarly situated person has already been granted bail by the learned co-ordinate Bench of this Court, inasmuch as the antecedent of the petitioner cannot be a sole ground to keep the petitioner behind the bar for indefinite period when the investigation has already been completed and charge-sheet has been submitted and there is no allegation of tampering with the evidence and intimidating the witnesses and the petitioner is in custody since 15.12.2020, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Patna in connection with Alamganj P.S. Case No. 766 of 2020 (Spl. Case No. 171 of 2020) subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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