

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28197 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Kishore Kunal Sah S/o Late Wakil Sah Resident of Village- Kamlapur, P.S.-
Sajoor, District- Bahagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 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 a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 21(b), 22 of N.D.P.S. Act.

Recovery is of total 13.35 grams of Brown Sugar
(smack).

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing incriminating
article has been recovered from the possession of the petitioner



and some Narcotics article has been recovered from the other co-accused persons. He further submits that in fact one mobile and all together Rs.500/- has been recovered from the possession of the petitioner. He further submits that in view of the aforesaid, no case is made out under N.D.P.S. Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Kotwali (Jogsar) P.S. Case No. 138 of 2022, 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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