

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34608 of 2022

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

RAJA KUMAR S/o - Santosh Kumar @ Santosh Yadav @ Santosh Kumar
Yadav R/O- Chutkiya Bazar, P.S- Malsalami, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Adv
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 411/414 of IPC and Sections 20/22 of NDPS Act.

Learned counsel for the petitioner submits that earlier the petitioner has been granted bail vide order dated 16.02.2022 passed in Cr. Misc. No.35930 of 2021 but the bail bond of the petitioner was cancelled vide order dated 19.05.2022 on the ground that the petitioner has concealed the criminal antecedent and thereafter the petitioner has surrendered suo motu on



31.05.2022. Further submits that as per seizure list that altogether 02 Kg of Ganja was recovered from possession of co-accused person and the petitioner. He further submits that as per NDPS Act, the commercial quantity of Ganja is 20 Kg. He further submits that the recovered Ganja from possession of the petitioner is less than the commercial quantity, hence, there is no bar of this Court to enlarge the petitioner on bail. Further submits that chargesheet has been submitted in this case and the similarly situated co-accused person namely, Shashi Kumar has been granted bail vide order dated 07.02.2022 passed in Cr. Misc. No.32444 of 2021 and the petitioner is in custody in this case since 16.12.2020 to 24.03.2022 and again after surrender on 31.05.2022 he is in judicial custody.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Alamganj P.S. Case No.766 of 2020 (Spl. Case No.171 of



2020), with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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