

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36033 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- BIHAR District- Nalanda

GANESH KUMAR S/o Late Bale Ravidas R/o Village - Khairabad, Chhoti Takiya P.S. - Bihar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with NDPS Case No. 08 of 2022 arising out of Bihar P.S. Case No. 71 of 2022 registered for the offences punishable under Sections 20, 22 of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery of 10 litre illicit country made liquor as well as 480 gram ganja from the house of the petitioner and petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 10.02.2022 and bears criminal



antecedent of one case which is not similar to the offence of N.D.P.S. Act and he is on bail in the aforesaid case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has falsely been implicated in this case merely on suspicion. He further submits that petitioner is living in joint family house and he was apprehended at the instigation of rival parties. Nothing has been recovered from the possession of the petitioner. Seizure list has not been made as per law. The witnesses who put their signature on the seizure list have inimical relation with the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-



cum Special Judge, NDPS Act, Nalanda at Biharsharif in connection with Bihar P.S. Case No. 71 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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