

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44514 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- NAUBATPUR District- Patna

GAJENDER SAO, Son of Ramanand Sao, Resident of Gram - Mahamadli
Chak, P.S.- Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mithlesh Kumar Gupta, Adv. Mr. Nikhil Raj, Adv. Ms. Bharti Kumari, Adv.
For the Opposite Party/s :		Mr.Jagdhhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner is granted two weeks time to remove all the defects.

Heard learned counsel for the petitioner and Mr. Jagdhhar Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Naubatpur P.S. Case No.86 of 2021 registered for the offences punishable under Section 8(c) of the N.D.P.S. Act. He is in custody since 09.02.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per the First Information Report, 7 Puriyas of smacks weighing about 7 gms have been recovered from the possession of the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 09.02.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that 7 Puriyas of smacks weighing about 7 gms have been recovered allegedly from the possession of the petitioner, the rigours of Section 37 of the N.D.P.S. Act would not be attracted, the petitioner has got no criminal antecedent and is in custody since 09.02.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV, Patna in connection with Naubatpur P.S. Case No.86 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

