

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35726 of 2022**

Arising Out of PS. Case No.-143 Year-2022 Thana- BIKRAM District- Patna

NIRANJAN KUMAR @ GURU JI S/o Late Dayal singh Resident of Village  
- Baghakol, P.S.- Bikram, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Mr.A.G.

**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 Spl.  
Case No. 40 of 2022 arising out of Bikram P.S. Case No. 143 of  
2022 registered for the offences punishable under Sections  
8/20(b)(ii)(A) of the NDPS Act.

As per prosecution case, there is alleged recovery  
of 499 gram Ganja from co-accused Manoj Kumar.  
Apprehended co-accused Manoj Kumar disclosed that seized  
Ganja is of present petitioner.

Learned counsel for the petitioner submits that  
petitioner is in custody since 30.03.2022. Petitioner bears six



criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is quite innocent and has falsely implicated in the instant case at the behest of the I.O. Learned counsel further submits that seizure was not inspected or seized before the Magistrate or competent authority. There is no compliance of Section 100 of the Cr.P.C. or Section 50 of the N.D.P.S. Except confessional statement, there is no direct or indirect evidence to connect the present petitioner with the alleged occurrence.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties 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. 25,000/- (Rupees Twenty Thousand) with two sureties of the like amount



each to the satisfaction of learned Addl. Sessions Judge – IX, Patna in connection with Spl. Case No. 40 of 2022 arising out of Bikram P.S. Case No. 143 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) If petitioner violates any of the conditions,



the learned trial court is at liberty to cancel the bail bond of  
the petitioner.

**(Alok Kumar Pandey, J)**

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