

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37737 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- BARHARIA District- Siwan

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BHARAT SINGH SON OF LATE CHANDRADEO SINGH Resident of
Village-Malmaliya Kauriya, P.S.-Bhagwanpur Hat, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh,Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with G.R. Case No. 04 of 2022 arising out of Barharia P.S. Case
No. 142 of 2022 for the offences under Sections 8 and 21(B) of
the N.D.P.S. Act.

As per the prosecution story, the police during the
course of patrolling and upon information apprehended the
petitioner herein. Upon search, 15 grams and 820mgs of smack
was recovered from his right pocket in bundles of 40 pouches.
Accordingly, seizure list prepared, FIR instituted and he was
taken into custody and is in jail since 31.03.2022.



Learned counsel for the petitioner submits that he has been made victim of circumstances and has falsely been implicated in this case. However, going by the allegation, the same is below the commercial quantity coupled with the fact that he do not have criminal antecedent and is in jail since 31.03.2022. However, if it is found that he do have criminal antecedent, the bail order shall become infructuous.

Considering the aforesaid fact as also the quantity of recovery, is in custody since 31.03.2022, charge sheet stands submitted and he do not have any criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with G.R. Case No. 04 of 2022 arising out of Barharia P.S. Case No. 142 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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