

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36463 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- DIGHALBANK District- Kishanganj

DILIP CHOUDHARY @ DILIP SON OF VINOD CHOUDHARY R/O-
VILL- KANKAI NAGAR PALIKA, P.S.- GHELADUBBA, DIST.- JHAPA
(NEPAL)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Veena Kumari Jaiswal

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2022 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 Dighal
Bank P.S. Case No. 81/2022 registered for the offences
punishable under Sections 21(a)/22/23(a) of the N.D.P.S. Act,
1985.

As per prosecution case, there is alleged recovery of
03.05 gram Bhura Rang Powder like Brown Sugar from the
possession of the petitioner and apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is languishing in custody since 31.05.2022 and bears no criminal antecedent. He further submits that the alleged recovery is 03.05 gram powder like Brown Sugar which is less than small quantity as per notification of Central Government. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery of the said powder. He further submits that as per seizure list, the said powder has not been examined by the authority of Forensic Department to establish that the said powder is Brown Sugar and without any examination by the expert of the subject, it is wrong and incorrect to say that it was Brown Sugar.

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, period of custody, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Kishanganj in connection with



Dighal Bank P.S. Case No. 81/2022, 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) If the petitioner is found involved in similar nature of offence, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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