

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38189 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- CHAUSA District- Madhepura

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BALESHWAR MALAKAR S/O DIPNARAYAN MALAKAR Resident of
Village- Laualagan, P.S.- Chausa, District- Madhepura (Bihar)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Gupta

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-11-2022 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
Chausa P.S. Case No. 63 of 2022 registered for the offences
punishable under Sections 20, 22, 23, 24 of Narcotic Drugs and
Psychotropic Substances Act, 1985.

As per prosecution case, there is alleged recovery
of 3 kg Ganja from the plastic bag of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 01.04.2022. Petitioner bears no
criminal antecedent. Petitioner is quite innocent and has falsely
been implicated in this case. It is further submitted that



petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner has no concern over the alleged recovery. Co-accused Ranjeet Singh who has already been granted bail vide Cr. Misc. No. 31075 of 2022 by this court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. He further submits that the alleged recovery was from the plastic bag of the petitioner and said recovery is more than small quantity and less than commercial quantity.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by this court, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Judge cum Special Judge, N.D.P.S. Act, Madhepura in connection with Chausa P.S. Case No. 63 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) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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