

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39516 of 2022**

Arising Out of PS. Case No.-133 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

Chandan Kumar Jaiswal @ Chandan Jaiswal Son Of Jigeshwar Jaiswal @
Jigeshwar Sah R/O Village- Biuri, P.S.- Chand, District- Kaimur
(BHABHUA)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate.
Mr. Vaishnavi Singh, Advocate.
For the Opposite Party/s : Mr. Narsingh Tanti, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 21-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned senior counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Chand
P.S. Case No. 133 of 2021 registered for the offences punishable
under Sections 8(c), 20(b)(ii)(B) and 22 of the N.D.P.S. Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information raided the
alleged place and apprehended the co-accused Rinku Jaiswal @
Bhantu and recovered 3.800 Kg of Narcotic material suspected
to be *Ganja* from the poultry farm which is owned by this



petitioner.

The main submissions advanced by the learned senior counsel Mr. Ajay Kumar Thakur appearing for the petitioner are that admittedly the petitioner was not present at the place from where the alleged recovery of contraband was made, the poultry farm which is stated to be of the petitioner is in a state of abandoned, hence hatching of a conspiracy cannot be ruled out against the petitioner as the poultry farm has an open space and same is accessible to all. Further submission is that the co-accused Rinku Jaiswal @ Bhantu who revealed the role of the petitioner in the alleged smuggling of the contraband has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 69584 of 2021 and the case of the petitioner stands on a better footing as he was not apprehended on the spot and his name surfaced in the statement of co-accused given before the police which is not admissible in law and the petitioner has been languishing in jail since 14.06.2022.

Learned APP Mr. Narsingh Tanti appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list. The instant matter relates to the recovery of 3.800



Kg of Narcotic material which was suspected to be *Ganja* and the said material comes under the purview of lesser than commercial quantity though the said recovery was made from the poultry farm of the petitioner but according to above submission the poultry farm is accessible to everyone and the recovery of the alleged contraband was made near the gate of the poultry farm and the petitioner has clean antecedent as mentioned in his petition and the main accused who was apprehended at the spot is on anticipatory bail. Considering these facts and mainly taking into account the petitioner's clean antecedent and also the fact that he was not apprehended with the alleged contraband, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge cum Special Judge, Kaimur at Bhabhua in connection with Chand P.S. Case No. 133 of 2021, on the following conditions :

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates



without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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