

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41404 of 2022**

Arising Out of PS. Case No.-23 Year-2022 Thana- PAWANA District- Bhojpur

SUNIL KUMAR SINGH @ SUNIL KUMAR SINGH YADAV @ SUNIL KUMAR YADAV S/o Kaleshwar Yadav Resident of Village- Pawna, P.S.- Pawna, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh
For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-11-2022 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 Pawna P.S. Case No. 23 of 2022 registered for the offences punishable under Sections 8/20(b)(i)(A)/21(B) of N.D.P.S. Act.

As per prosecution case, there is alleged recovery of 2.220 kg Ganja like substance from the husk house of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2022. Petitioner bears one criminal antecedent of Excise Act which was lodged after the



present case. He further submits that the alleged husk house was jointly owned by three co-sharer families and basically nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has been falsely implicated in this case. He also submits that the alleged recovery is less than commercial quantity.

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 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 Sessions Judge, Bhojpur, Ara in connection with N.D.P.S. (SL) 28 of 2022 arising out of Pawna P.S. Case No. 23 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)

alok/-

U		T	
---	--	---	--

