

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54081 of 2021

Arising Out of PS. Case No.-150 Year-2021 Thana- DIGHWARA District- Saran

Vikash Kumar Bhuneshwar Paswan @ Bhuneshwar Ram Resident of Village-
Tilokchak, P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-01-2022 Let the defects, if any, be removed within four
weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Dighwara P. S Case No. 150 of 2021 for the
offences punishable under Section 20 and 22 of the NDPS Act.

According to the prosecution case, one Kamleshwar
Kumar Singh@ Ganpat Singh were selling Ganja in his house
and 3 to 4 persons including the petitioner were sitting in his
house and smoking Ganja. On search three puriyas Ganja, two
chillam were recovered from the spot.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has been falsely implicated
in this case. Nothing has been recovered from conscious
possession of the petitioner. Petitioner was only smoking Ganja



and recovered Ganja was less than commercial quantity. As per notification issued under NDPS Act 1985, a small quantity of Ganja has been recovered from possession of the petitioner and hence, there is no bar for this Court to grant privilege of bail to the petitioner. He is in custody since 05.06.2021.

The learned A.P.P opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Saran at Chapra in connection with Dighwara P.S.Case No. 150 of 2021,subject to 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 and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below. If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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