

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44735 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- GOPALGANJ TOWN District- Gopalganj

SOHAIL ALI Son of Mohamad Nayam Resident of Village - Mohammad
Nayem, Domhata, P.s.- and Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 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
Gopalganj P.S. Case No. 43 of 2022, District- Gopalganj, Trial
No. 5 of 2022 registered for the offences punishable under
Section 414/34 of the Indian Penal Code read with Section
08/20(b)(ii)(B) of N.D.P.S. Act.

As per prosecution case, four persons on two
motorcycles were apprehended on the spot. It is alleged that 2
kg Ganja was recovered from the possession of co-accused
Niraj Singh who was on one motorcycle. It is alleged that one
master key was recovered from the pocket of present petitioner



who was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 15.01.2022. Petitioner bears no criminal antecedent. As per impugned order, Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that FIR has been lodged against four persons including the petitioner and petitioner has no concern with other co-accused persons and he has been falsely implicated in this case. The alleged recovery of Ganja was not recovered from the physical possession of the petitioner.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Additional District



and Sessions Judge cum Special Judge I, NDPS Act Gopalganj in connection with Gopalganj P.S. Case No. 43 of 2022 District Gopalganj, Trial No. 5 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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