

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45668 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- PAKARIBARAW District- Nawada

Sadhusharan Mahto @ Sadhusharan Prasad Son Of Late Karu Mahto R/O
Village- Poksi, P.S.- Pakribarawan, Dist.- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Pakribarawan P.S. Case No. 03 of 2022 registered for the
offences punishable under Sections 8(b)(c) and 20(a)(b) of the
NDPS Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information raided the
alleged place and recovered three plants suspected to be of
Ganja from the land of this petitioner.

The main submissions advanced by the learned

counsel Mrs.Vaishnavi Singh, appearing for the petitioner are that only three plants suspected to be *Ganja* plants were alleged to have been found in the campus of the petitioner's newly constructed house but in the seizure list the details of the said plants are completely vague as their weights and other relevant facts concerned to the said plants were not mentioned in the seizure list and moreover the petitioner has fair and clean antecedent and he is an old person.

Learned APP Mr. Umeshanand Pandit, appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account the facts that the recovery of the alleged plants suspected to be *Ganja* were made before the police chaukidaars and there is no independent witness of the alleged recovery and the details of said plants in the seizure list are vague and petitioner is stated to be 69 years old person having clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Pakribarawan P.S. Case No. 03 of 2022 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.

(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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