

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11156 of 2022

Arising Out of PS. Case No.-325 Year-2020 Thana- CHAKIA District- East Champaran

Baso Kumar @ Basu @ Vasu Kumar S/o Uma Shankar Prasad Resident of
Village - Pahsaul, P.S. - Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46847 of 2022

Arising Out of PS. Case No.-325 Year-2020 Thana- CHAKIA District- East Champaran

Sanjay Vishwakarma Son of Bhaddar Lal Vishwakarma Resident of Village -
Makarchar, P.s.- Bardghat, Distt.- Nawalparasi (Nepal). Presently residing at
Vijay Chhapra, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47430 of 2022

Arising Out of PS. Case No.-325 Year-2020 Thana- CHAKIA District- East Champaran

Satwik Khadka @ Sarisk Kharka S/o Late Ghanshyam Khadka Resident of
Village- Hathiwan, P.S. and Distt- Lalitpur (Nepal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11156 of 2022)

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Amit Kumar Rakesh

(In CRIMINAL MISCELLANEOUS No. 46847 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

(In CRIMINAL MISCELLANEOUS No. 47430 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with NDPS Case No. 15 of 2021 arising out of Chakiya P.S. Case No. 325 of 2020, registered for the offences punishable under Sections 20, 22 and 24 of N.D.P.S. Act.

As per allegation, 26.434 Kg of Charas was recovered from the dickey of a white Swift Car.

The learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that petitioners are not named in the FIR nor any role has been alleged against the accused-petitioners. Even charge-sheet has been submitted against the named accused-persons. But all of sudden, with change of Investigating Officer, these accused-petitioners have been remanded in this case only on account of the fact that they are accused in Muzaffarpur Town P.S. Case No. 579 of 2020. But there is no material available in the case diary against these accused-petitioners.



It is also stated in paragraph no. 2 of the petition that petitioners have never moved before this Hon'ble Court earlier before grant for anticipatory bail or regular bail in this case.

It has further been stated in paragraph no. 3 of the petition that the petitioners have made accused in one more case.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail but does not contest the claim of the Ld. Counsel for the petitioners.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari in connection with NDPS Case No. 15 of 2021 arising out of Chakiya P.S. Case No. 325 of 2020 on the following conditions:



(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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