

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56674 of 2021

Arising Out of PS. Case No.-471 Year-2020 Thana- BARH District- Patna

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Pawan Kumar Son Of Ramashish Singh R/O Village- Jaitpur, P.S.- Barahiya,
Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 20/22 of N.D.P.S. Act and Section 25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, the informant got secret information that some miscreants assembled in the market of this petitioner with a view to commit crime and doing business of Ganja. He proceeded toward the place of occurrence and apprehended the accused persons and recovered 3 kgs. of Ganja including a country made pistol from their possession.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that arms has been recovered from the possession of co-accused whereas narcotic has been recovered from the market place of the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that as per notification of the NDPS Act, 1985 the commercial quantity of Ganja is 20 kgs. It appears that quantity of Ganja recovered from the market place of the petitioner is less than the commercial quantity, hence, there is no bar of this Court to grant bail to the petitioner. He further submits that similarly situated co-accused namely, Prince Kumar @ Pandey Jee has been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2021 passed in Cr. Misc. No. 39921 of 2021 and another co-accused namely, Rajnish Kumar @ Bagar Bill has been granted bail by this Court vide order dated 14.02.2022 passed in Cr. Misc. No. 32925 of 2021. The petitioner is in custody since 26.12.2020.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Spl. Case No. 176 of 2020 arising out of Barh P.S. Case No. 471 2020, 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 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. 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 petitioner has concealed his 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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