

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49361 of 2022

Arising Out of PS. Case No.-368 Year-2022 Thana- PURNEA SADAR District- Purnia

CHANDAN KUMAR @ CHANDAN SAHANI S/O RAM KRISHNA
SAHNI Resident of Panchtakia Tola, Gunda Chowk, P.S.- Sadar, District-
Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-12-2022 Learned counsel for the petitioner is permitted to
remove the defect/(s), as pointed out by office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with
Special (NDPS) Case No. 32 of 2022 arising out of Purnea
Sadar P.S. Case No. 368 of 2022 for the offences punishable
under Sections 8 and 20 (b) (ii) (B) of the Narcotics Drugs and
Psychotropic Substances Act.

As per the prosecution case, on search 3.810 Kg.
Ganja was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated and the search was allegedly made in violation of Section 50 of the N.D.P.S. Act. He further submits that the police has submitted a chargesheet in this case against the petitioner without F.S.L. report available on the record. The petitioner is in jail custody since 27.05.2022 and he has no criminal antecedent.

Learned A.P.P. opposed the regular bail of the petition.

Considering the aforesaid facts and circumstances of the case as well as period of custody, 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 Special Judge, N.D.P.S. Act, Purnea in connection with Special (NDPS) Case No. 32 of 2022 arising out of Purnea Sadar P.S. Case No. 368 of 2022, subject to the following conditions:-

(i) 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.

(ii) If the petitioner tampers with the evidence or the witness, in that case the prosecution will be at liberty to move



for cancellation of bail.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(Sunil Dutta Mishra, J)

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