

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51114 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BARGAINIA District- Sitamarhi

VIRENDRA PASWAN S/o Late Ram Chandra Paswan R/o village- Sonar
(Ashogi), P.S.- Riga, District- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-12-2022 The matter has been taken-up through video conference.

Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offence punishable under Sections 25 (1-b) a,
26/35 of the Arms Act and Section 8/20 (b) (ii) (c) of NDPS Act.

Allegation against the petitioner is of recovery of 510
gms of *Charas* from the possession of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that from the F.I.R., the search was made



out in violation of Sections 42, 52, 55 and 57 of the Narcotic Drug and Psychotropic Substance Act. It is submitted that there is nothing on record to show that the said *Charas* was even weighed in the presence of witnesses. It is submitted that the alleged recovery of the *Charas* is less than the commercial quantity. Further, it is submitted that the petitioner is in custody since 19.02.2022, charge-sheet has been submitted in the case and he has antecedent of one case.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi in connection with Bairgania P.S. Case No. 44 of 2022, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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