

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66039 of 2021**

Arising Out of PS. Case No.-114 Year-2021 Thana- KARJA District- Muzaffarpur

MANOJ PASWAN Son of Mahesh Paswan Resident of Village - Pakri
Pakohi, P.S.- Karja, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anjana, Adv

For the Opposite Party/s : Mr.Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Sections 20(b)(ii)(B)/22(b) of N.D.P.S. Act.

Recovery is of 36 Gms of brown sugar.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of disclosure made by co-accused-Kamlesh Sahani. He further submits that nothing incriminating article has been recovered from conscious



possession of the petitioner rather the recovery has been made from the motorcycle in question and the petitioner is not the owner of the motorcycle in question. He further submits that the recovered quantity is less than commercial quantity, as such, the bar of Section 37 of N.D.P.S. Act is not applicable in the present case and the similarly situated co-accused persons, namely, Mithilesh Sahni @ Mithlesh Kumar, Kamlesh Sahni and Rajesh Sahni have already been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 28.06.2022 in Cr. Misc. No.64522 of 2021 and Cr. Misc. No.65285 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 21.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Karja P.S. Case No.114 of 2021 corresponding to N.D.P.S. Case No.43 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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