

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60969 of 2022

Arising Out of PS. Case No.-154 Year-2020 Thana- NADI P.S. District- Patna

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SANJAY KUMAR SON OF GANGA MAHTO R/O FATEHJANGPUR, P.S.-
NADI, DISTT.- PATNA (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH ZONAL DIRECTOR, NARCOTICS
CONTROL BUREAU, PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 8(iii), 20(B)(ii)(C) and 22(C) of the Indian
Penal Code.

Earlier the prayer for bail of this petitioner has been
allowed on 18.11.2021 with one of the conditions that "*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 canceled by the Court below.*"

Pursuant to that condition, the learned court below has



canceled the bail bonds of the petitioner on 20.07.2022 on the ground of default of his appearance on two consecutive dates without sufficient reason and therefore, the petitioner is before this Court.

Learned counsel for the petitioner submits that there is no willful and deliberate laches on the part of the petitioner rather due to negligence of the pairvikar of the petitioner, he could not attend the court. He further submits that the petitioner undertakes that he will not repeat this negligence and he will be careful and cautious in future and will ensure his presence on each and every date or as and when required by the court below. He further submits that further submits that the petitioner is languishing in judicial custody since 23.08.2022.

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, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nadi P.S. Case No. 274 of 2021 (Special NDPS Case No. 142 of 2020) 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 canceled 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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