

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67007 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- TEGHRHA District- Begusarai

PRAVEEN KUMAR SON OF BINOD KUMAR R/O VILLAGE-
MALKUMAJRA, P.S.- BADI, DIST.- SOLAN (HIMANCHAL PRADESH)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Teghra
P.S. Case No. 08 of 2021 and NDPS Case No. 01 of 2021
registered for the offence under Sections 20 and 22 of the NDPS
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.01.2021.

The allegation against the petitioner having one of the
rider of the vehicle is to have in possession of 23 KG of
contraband i.e. Ganja, which have recovered from two different
places. 14.13 KG from beneath the seat of the driver rest from



the tailor of the vehicle alleged to carrying contraband.

Learned counsel appearing on behalf of the petitioner submitted that it cannot be said that the recovery has been made from the conscious possession of the petitioner, who is man of clean antecedent. It has further been submitted that mandatory provision as regard to search and seizure of the contraband was not complied with as provided under the NDPS Act. It has further been submitted that investigation of the case has been completed, where charge-sheet has been submitted without obtaining FSL report in respect of the alleged contraband. It has further been submitted that the similarly situated co-accused person has already been granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No. 2883 of 2022 dated 20.06.2022.

Learned APP, while opposing the prayer of bail, submitted that total recovery is more than commercial quantity but conceded that the contraband recovered from different places.

Considering the facts and circumstances as mentioned above, as charge-sheet has been submitted without obtaining FSL report and the petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in



connection with Teghra P.S. Case No. 08 of 2021 and NDPS Case No. 01 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Begusarai, subject to the following conditions:

“(i) That criminal antecedent of the petitioner shall be verified at the time of furnishing bail bond of the petitioner, if it is found that the petitioner is involved in other cases, then the bail bond of the petitioner shall not accepted by the court below.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Pawan Kumar, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen-

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