

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5785 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- SIKRAUL District- Buxar

HIRAMAN BIND @ HIRAMAN BIN Son of Narayan Bind @ Narayan Bin
R/v- Tetarahar Bind Toli, P.S.- Sikroul, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 08.12.2022 in connection with Sikroul P.S. Case No. 76 of 2022, F.I.R. dated 18.07.2022 registered for the offence punishable under Sections 20 (b) (ii) (c), 22(b) of the Narcotics Drugs and Psychotropic Substances Act.

3. Prosecution case in short is that on the basis of secret information, police personnel apprehended the co-accused, namely, Jagjeetani Devi after she was fleeing and on search police found 6.50 grams heroine like intoxicating substance from her possession.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the name of the petitioner has been transpired on the basis of the disclosure made by co-accused, namely, Jagjeetani Devi and except the disclosure made by co-accused, namely, Jagjeetani Devi, no other material has during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused, namely, Jagjeetani Devi has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.02.2023 passed in Cr. Misc. No.54630 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.12.2022.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, 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 District Judge-cum-Special



Court, N.D.P.S. Act, Buxar in connection with Sikroul P.S. Case No. 76 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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