

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12353 of 2023

Arising Out of PS. Case No.-731 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Jitendra Paswan S/o Late Luxman Paswan R/o Village- Badi Bazaar Mohania,
P.S.- Mohania, Distt- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
13.11.2020, in connection with Bhabhua P.S. Case No. 731 of
2020, N.D.P.S. Case No. 44 of 2020, F.I.R. dated 12.11.2020
registered for the offences punishable under Sections 8, 20(b),
27(A) of the N.D.P.S. Act.

The case relates to recovery of 9 packets of Smack
(Heroin) each containing ½ gram, 10 small packets each
containing ½ grams of Smack, three lighters, one pipe and cash
of Rs. 2290/-.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case on the basis of suspicion. He



further submits that from perusal of the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the incriminating article as well as contraband was recovered from other co-accused person and the petitioner has no concern at all with the co-accused person. He further submits that co-accused namely Vikash Rajak has been granted bail by a Coordinate Bench of this Court vide order dated 25.06.2021 passed in Cr. Misc. No. 16132 of 2021, another co-accused namely Pankaj Patel @ Punkaj Patel has been granted bail by this Court vide order dated 23.07.2021 passed in Cr. Misc. No. 20168 of 2021, another co-accused namely Mukesh Singh has been granted bail by this Court vide order dated 12.08.2021 passed in Cr. Misc. No. 30118 of 2021, another co-accused namely Lalloo Bind has been granted bail by this Court vide order dated 13.08.2021 passed in Cr. Misc. No. 13730 of 2021, another co-accused namely Kisan Patel has been granted bail by this Court vide order dated 09.09.2021 passed in Cr. Misc. No. 13747 of 2021, another co-accused namely Sandeep Kumar has been granted bail by this Court vide order dated 25.11.2021 passed in Cr. Misc. No. 30017 of 2021, another co-accused namely Mantu Yadav has been granted bail by this Court vide order dated



10.01.2022 passed in Cr. Misc. No. 35237 of 2021, another co-accused namely Suresh Pasi has been granted bail by this Court vide order dated 10.01.2022 passed in Cr. Misc. No. 33236 of 2021, another co-accused namely Raushan Kumar has been granted bail by this Court vide order dated 12.01.2022 passed in Cr. Misc. No. 45543 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.11.2020.

The learned Additional Public Prosecutor for the State has vehemently 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I cum Special Judge, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 731 of 2020, ND.P.S. Case No. 44 of 2020, 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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