

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11391 of 2023

Arising Out of PS. Case No.-47 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Baldeo Chaudhary Son of Late Janak Chaudhary R/V- Bankat, P.S- Muffasil,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-05-2023 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with N.D.P.S. Case No. 47 of 2021 arising out of Motihari Muffasil P.S. Case No.47 of 2021, registered for the offences punishable under Sections 20, 23, 25 of the Narcotic Drugs and Psychotropic Substances Act.

It is alleged that during the course of vehicle checking, the police intercepted three persons, who were coming on a motorcycle, however, noticing the police two persons succeeded in fleeing away, and one persons was



apprehended. On search total 350 gm of *charas* was recovered from the possession of co-accused Seraj Alam. The apprehended person disclosed the name of the petitioner as one of the co-accused, who succeeded in fleeing away.

Submission has been made on behalf of the petitioner that save and except the disclosure made by the apprehended co-accused person there is no material suggesting the complicity of the petitioner in the present crime. Further submission has been made that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the co-accused Seraj Alam, who was apprehended at the spot with alleged contraband has already been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 32142 of 2021 vide order dated 28.02.2022. He next submits that there are other infirmities in the preparation of search and seizure.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying four criminal antecedent over his head.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material



has been recovered from his person or possession and the person from whose possession recovery has been made has been allowed privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 47 of 2021 arising out of Motihari Muffasil P.S. Case No.47 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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