

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22920 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- SURSAND District- Sitamarhi

KISHUN DAYAL BHAGAT son of Ram Sagar Bhagat @ Sagar Bhagat
Village- Fatehpur Ps- Raghopur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Sursand P.S. Case No. 241 of 2022 registered for the offences
punishable under Sections 8/20(b) (ii) (B) of the N.D.P.S. Act.

As per prosecution case, co-accused Ram Nandan
Bhagat was apprehended on the spot and after search of nearby
place 15.500 gram ganja like substance was recovered and he
disclosed that he works for money and present petitioner pays
money to him for the said work.

Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence and he
has falsely been implicated in the present case. Petitioner is in
custody since 22.01.2023 and bears criminal antecedent of one



case which is not similar to the present case and in the said case he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Nothing has been recovered from his possession. There is no independent witness of seizure list. Seizure list has not been made in accordance with law. He further submits that seized ganja is less than commercial quantity as per N.D.P.S. notification. He further submits that co-accused Ramanand Bhagat who is apprehended on the spot has already been granted bail by co-ordinate Bench of this Court and the case of present petitioner stands on better footing as petitioner is not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused Ramanand Bhagat against whom recovery is made has already been granted bail by co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Sessions Judge cum Special Judge, Sitamarhi in connection with Sursand P.S. Case No. 241 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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