

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24400 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- BELA District- Sitamarhi

Sikandar @ Sikandar Paswan Son Of Late Puran Paswan R/O Gorhari,
Sitamarhi, B. Machhpakauni, Bihar, Ward No.14, P.S.- Bela, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
10.01.2023 in connection with Bela P.S. Case No. 333 of 2022,
F.I.R. dated 14.12.2022 for the offences punishable under
Sections 8, 20(B)(ii)(C), 22(C), and 23(C) of the NDPS Act.

4. Recovery is of 10 kg of Ganja.

5. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Manoj Kumar Sah and Bhola Yadav. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused persons, namely, Manoj Kumar Sah and Bhola Yadav. He further submits that as per the confessional statement of the co-accused persons, the said Ganja had to be delivered to this petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manoj Kumar Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No. 36832 of 2023. The petitioner is in custody since 10.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the bail application of the co-accused, namely, Bhola Yadav has been rejected by the Co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 25254 of 2023.



7. Considering the aforesaid facts and circumstances, 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 the learned Special Judge, Sitamarhi in connection with Bela P.S. Case No. 333 of 2022, 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 witnesses, 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 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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