

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29476 of 2023

Arising Out of PS. Case No.-491 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Shambhu Yadav @ Shambhu Ray S/O- Shiv Kumar Ray Vill Haj Purba P.S
Jurawanpur Dist Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 21.05.2021, in connection with Hajipur Sadar P.S. Case No. 491 of 2021, F.I.R. dated 20.05.2021 registered for the offences punishable under Sections 20, 22, 23, 24, 27, 29 of the N.D.P.S. Act.

Recovery is of total 45 Kg. of Ganja, Rs. 13620/- cash and four mobile phone from the possession of the petitioner and other co-accused persons.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that altogether 45 Kg. of Ganja,



Rs. 13620/- cash and four mobile phones were recovered from the possession of the petitioner and other co-accused persons.

Earlier the prayer for bail of the petitioner was rejected vide order dated 21.02.2022 passed in Cr. Misc. No. 54275 of 2021.

Learned counsel for the petitioner has filed the present petition on the ground that the other co-accused persons namely Anita Devi and Vikash Kumar, against whom the allegations are of similar nature have been granted bail by this Court vide order dated 29.03.2023 passed in Cr. Misc. No. 7873 of 2023 and vide order dated 26.04.2023 passed in Cr. Misc. No. 19137 of 2023 respectively.

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 as well as the reasons given in both the above orders, 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, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 491 of 2021, 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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