

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28203 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Pramod Singh Son Of Ganauri Singh R/O-Makkhatakiya, P.S.-
NAUGACHHIA, Dist.-BHAGALPUR

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 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 10.11.2022 in connection with Naugachia P.S. Case No. 349 of 2022, F.I.R. dated 09.11.2022 for the offences punishable under Sections 8, 17(B) and 22(B) of the NDPS Act.

4. Recovery is of 270 gram of Smack, one mobile phone and other articles.

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 it appears



from the F.I.R as well as seizure list that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused, namely, Rajan Singh @ Manu. He further submits that except the disclosure made by the co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manish Kumar Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 17209 of 2023 and another co-accused, namely, Bharat Ji @ Roushan Kumar has been granted by this Court vide order dated 12.07.2023 passed in Cr. Misc. No. 19523 of 2023. The petitioner is in custody since 10.11.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Additional



Sessions Judge 1st Bhagalpur in connection with Naugachia P.S.
Case No. 349 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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