

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28543 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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BISHNU SHARMA S/o- SHYAM SUNDAR SHARMA Mohalla- Gurudwara
Road Ps- Kotwali Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Despite the order and reminder for want of F.S.L
report, the same has not been received as yet.

The petitioner seeks bail in connection with Kotwali
(Jogsar) P.S. Case No. 220 of 2023 registered for the offence
under Sections 21(b) and 22 of the N.D.P.S. Act.

Recovery is of 2.470 gram brown sugar/ smack.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R. and the seizure list, it appears that
altogether 2.740 gram brown sugar has been recovered from the
possession of the petitioner. He further submits that the



recovered contraband is less than commercial quantity, therefore, Section 37 of the N.D.P.S. Act would not come in to play in this case and there would not be any bar in granting bail to the petitioner. He further submits that the prosecution without obtaining the F.S.L. report has submitted chargesheet against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.03.2023.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned 14th Additional Sessions Judge, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 220 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.



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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