

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30004 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- JALALPUR District- Saran

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Dinesh Rai Son Of Santosh Kumar Roy Resident Of Vill- Suksena
Mubarakpur , P.S- Madhaurah, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Ms. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with N.D.
P.S. Case No. 02 of 2022 arising out of Jalalpur P.S. Case
No. 302 of 2021, registered for the offences punishable
under Sections 20, 22 of the N.D.P.S. Act.

As per allegation, 6 kg 300 grams of Ganja has
been recovered from a motorcycle bearing Registratin No.
BR06L – 3117.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the recovered contraband is



much less than the commercial quantity. He further informs that the alleged recovery has not been made from the personal possession of the petitioner and the same has been made from a motorcycle and instantly he was there. He further submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. He also submits that the investigation in this case is complete and charge-sheet has already been submitted.

It has further been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents. He also submits that the petitioner has been languishing in jail since 27.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



particularly, the quantity of the contraband recovered, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.D.J 1st -cum- Special judge N.D.P.S Saran at Chapra in connection with N.D. P.S. Case No. 02 of 2022 arising out of Jalalpur P.S. Case No. 302 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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