

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29872 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- RAXAUL District- East Champaran

Sonalal Pandit Son of Ayodhya Pandit @ Ayodhya pandit Kumhal Resident of Village - Jauwaguthi, Ward No. 1, Vindhya wasini Gaw Palika, P.S.- Pokhariya, District - Parsa, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 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. 60 of 2021 arising out of Raxaul P.S. Case No. 267 of 2021, registered for the offences punishable under Sections 18(c)/21(b)/23(b) of the N.D.P.S. Act.

As per allegation, 100 gms smack has been recovered from the pocket of one Sonalal Pandit.

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 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 also 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 10.07.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never 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 recovered contraband, 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. 14 Additional Sessions Judge cum Special Judge (NDPS), East Champaran, Motihari in connection with N.D.P.S. Case No. 60 of 2021 arising out of Raxaul P.S. Case No. 267 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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