

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32959 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- NAUBATPUR District- Patna

GAJENDRA SAW Son of Late Ramanand Saw Resident of village -
Mahmadi Chak, P.S.- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Naubatpur P.S. Case No. 65 of 2023 registered for the offences
punishable under Sections 08(c), 21(b)(c) of N.D.P.S. Act.

As per prosecution case, there is alleged recovery
of 15 packet of smack like substance from the possession of
petitioner and 10 packet of smack like substance from the
possession of co-accused Raviranjan Kumar alias Chintu. On
weighing, total quantity of recovered contraband is 5 gm.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.02.2023. Petitioner bears no
criminal antecedent. Learned counsel for the petitioner orally
submits that charge sheet has already been submitted in the case



and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that small quantity of smack is 5 Gram and commercial quantity is 250 gram and the alleged recovery of smack is 5 gram as per the notification of Schedule 2 of the Act and said recovery comes under small quantity.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XVIII, Patna in connection with Naubatpur P.S. Case No. 65 of 2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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