

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46417 of 2023**

Arising Out of PS. Case No.-205 Year-2022 Thana- DHAKA District- East Champaran

KAMESHWAR PANDIT Son of Late Baldeo Pandit Resident of Village-
Dipahi Charharwa, PO- Dipahi, PS- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vardaan Mangalam, Advocate
		Mrs. Ritika Rani, Advocate
For the Opposite Party/s :		Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 13-10-2023 Heard the parties.

The petitioner is an accused in connection with N.D.P.S. Case No. 28 of 2022 arising out of Dhaka P.S. Case No. 205 of 2022 registered for the offences under sections 20 and 22 of the N.D.P.S. Act lodged on 11.04.2022 by the informant, Abhay Kumar.

The prosecution case, in brief, is that the informant Abhay Kumar, SHO gave his self-statement that when he reached near Deepak Marriage Hall, three persons on two motorcycles were coming from Pakridayal and when they saw Police Van, they tried to escape but the police caught them and



on search, recovered 250 gm 'Heroin' and a Samsung Mobile. Accordingly, the F.I.R.

Learned Counsel for the petitioner submits that only to implicate him, the recovery of over limit of 250 gms. of '*heroin*' has been alleged in the FIR.

It is his submission that in any case, it is not above the commercial quantity that has been incorporated in the NDPS Act.

He submits that similar situated co-accused, Ramsagar Mahto who was also arrested with same quantity has been granted bail in Cr. Misc. No. 40192 of 2023. Further, also he does not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the aforesaid facts as also that he does not have criminal antecedent, is in custody since 12.04.2022 (as stated in paragraph 4 to the petition) and will be diligently appearing in trial, similarly placed co-accused has been granted bail as stated above, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties



of like amount each to the satisfaction of learned 14th Additional Sessions Judge-cum-Special Judge (NDPS), East Champaran, Motihari in connection with N.D.P.S. Case No. 28 of 2022 arising out of Dhaka P.S. Case No. 205 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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