

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35543 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- SURSAND District- Sitamarhi

Laxmeshwar Pandey S/O Mr. Kishori Pandey R/O Brahmpur, P.S- Jaleshwar,
Distt.- Mahotari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate Mr. Ajay Kumar, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Sursand P.S. Case No. 21 of 2023 registered on 13.01.2023 for the alleged offences under Sections 8, 20(b)(ii) (A) of the N.D.P.S. Act.

3. As per prosecution case, recovery of 450 gms of *ganja* like substance was made from the leg-guard of the motorcycle being driven by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No recovery has been made from this petitioner as alleged. There is complete violation of provisions of Sections 42 and 50



of the NDPS Act. The proper process of sealing and sampling has not been followed in the present case. The allegedly recovered quantity of *ganja* is much less than the small quantity notified by the Government of India. However, the prayer for bail of the petitioner was rejected by the learned trial court on the ground that the petitioner is a resident of Nepal and the trial would get hampered if he is allowed the privilege of bail. However, the petitioner is willing to furnish local sureties and even in the present petition, the deponent is a relative of the petitioner and is a resident of India. Learned counsel further submits that petitioner is in custody since 14.01.2023 and charge-sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioner being a resident of Nepal, there is a high chance that he may abscond.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of *ganja* recovered and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi/court concerned in connection with Sursand P.S. Case No. 21 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) Deponent in the present petition would be one of the sureties and another surety will also be a citizen of India and a relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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