

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35188 of 2023

Arising Out of PS. Case No.-378 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Bihari Lal Pandit S/O Suresh Pandit R/O Village- Tetri, P.S- Naugachia,
Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner seeks bail in connection with Naugachia P.S. Case No. 378 of 2022 dated 01.12.2022, instituted for the offences punishable under Sections 08/20/22 of N.D.P.S. Act.

3. The prosecution case, in short, is that on 01.12.2022, while patrolling the informant received an information that petitioner is selling illegal narcotic substance, on which informant with his team raided petitioner's house and apprehended him. It is further alleged that 3 grams of brown sugar (smack) and cash worth Rs. 1,933/- was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has falsely been implicated in this case. It is submitted that the recovered 3 grams of smack is much less than the small quantity. Lastly, it has been submitted that the petitioner is in custody since 03.12.2022, has two cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IInd-Naugachia in Naugachia P.S. Case No. 378 of 2022 subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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