

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37213 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- KHARIK District- Bhagalpur

Pampam Sah @ Amar Sah Son Of Late Baleshwar Sah @ Mallu Sah Resident
Of Village- Ganeshpur, Ps- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Kharik
P.S. Case No. 285 of 2022, registered for the offences
punishable under Sections 20 and 22 of the Narcotic Drugs
and Psychotropic Substance Act (NDPS Act).

As per allegation, 11.700 kg of *Ganja* was
recovered from the house of the petitioner.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. She further submits that quantity of the alleged
recovered contraband is much less than commercial quantity.



She also submits that seizure has not been made as per rules as provided under NDPS Act and the place from where contraband has been recovered does not exclusively belong to the petitioner rather it is a joint family property.

She further submits that the petitioner has been languishing in jail since 21.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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 Ld. concerned Trial Court in connection with Kharik P.S. Case No. 285 of 2022, 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 antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bond of the



petitioner.

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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