

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39258 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Kishore Kumar Rajak @ Kishor Rajak Son of Late Nanhki Rajak @ Late
Nanki Rajak Resident of village - Mustafapur, P.S. - Vibhutipur, Distt. -
Samastipur

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, Narcotic
Drugs Control Bureau, New Delhi New Delhi
2. The State of Bihar through the Department of Narcotic Drugs Control
Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh
For the Opposite Party/s : Mr. K.N.Singh A.D.S.G)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Dalsinghsarai P.S. Case No.197 of 2023, registered for the
offences punishable under Sections 20(B)(II)
A of the N.D.P.S. Act.

As per allegation, 20 gram of Ganja has been
recovered from the petitioner.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He also submits that no incriminating material has



been recovered from the conscious possession of the petitioner and the so called seized contraband is less than the commercial quantity.

He further submits that the petitioner has been languishing in jail since 27.04.2023.

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

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 meagre quantity of the contraband recovered, **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. Sessions Judge-cum-Special Judge, Samastipur, in connection with Dalsinghsarai P.S. Case No.197 of 2023 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 get hampered 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 bonds 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 bonds 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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