

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39562 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Rizwan S/O Gulfam Shah R/O Ujjani, P.S- Kotwali, Ujjani, Distt.- Badaun
(Uttar Pradesh) Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aamir Hayat, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 15.11.2022 in connection with Kochadhaman P.S. Case No. 288 of 2022, F.I.R. dated 14.11.2022 for the offences punishable under Sections 8/20(b)(ii)/B/22/23/29 of the Narcotics Drugs and Psychotropic Substances Act (N.D.P.S. Act).

3. According to prosecution case, recovery of total 25.910 kgs of **Ganja** has been made.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. and seizure list, 8.810 kgs of **Ganja** like substance was recovered from the black color bag of the petitioner and altogether 25.910 kgs of **Ganja** has been recovered from the possession of the petitioner and other co-accused persons. He further submits that the recovered contraband was found from the possession of the petitioner, which was less than the



commercial quantity. He further submits that the co-accused person, namely, *Muzammil* has been granted bail vide order dated 30.05.2023 in Cr. Misc. No. 15928 of 2023 by the co-ordinate Bench of this Court and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.11.2022.

5. The learned Additional Public Prosecutor on the other hand on the basis of material available on record and Case Diary opposed the prayer for grant of bail of the petitioner and submits that altogether 25.910 kg of *Ganja* was recovered from the possession of petitioner and other co-accused persons and the recovered contraband was more than the commercial quantity and the F.S.L. report also confirms that the recovered contraband is *Ganja*. Apart from the aforesaid, the petitioner is involved in one criminal antecedent which is pertaining to N.D.P.S. matter but fairly submits that the co-accused persons have been granted bail by the co-ordinate Bench of this Hon'ble Court.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, N.D.P.S. Act, Kishanganj, in connection with Kochadhaman P.S. Case No. 288 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 shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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