

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40158 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- PURNEA SADAR District- Purnia

Chotu Ram Son of Late Shankar Ram Resident of Mohalla- Khatalpatti
Gulabbagh, Police Station- Sadar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Umeshanand pandit

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Special
Case No. 2 of 2021 (Arising out of Sadar P.S. Case No. 24
of 2021), registered for the offences punishable under
Sections 8, 21, 22 of the N.D.P.S. Act.

As per allegation, 52 packet containing 8.14
grams of Brown Sugar and Smack 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. He further submits that the recovered contraband is



much less than the commercial quantity. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is released on bail. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that petitioner has been languishing in jail since 07.03.2022.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one more case.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

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

Considering the aforesaid facts and circumstances, particularly the recovered quantity of contraband, the petitioner, above-named, is directed to be released 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 the Ld. IIIrd Additional Session Judge-cum-Special Judge N.D.P.S Act, Purnia, in connection with Special Case No. 2 of 2021 (Arising out of Sadar P.S. Case No. 24 of 2021) 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 criminal antecedents other than the disclosed one, the 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, the Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The 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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