

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42180 of 2023

Arising Out of PS. Case No.-683 Year-2020 Thana- BIHTA District- Patna

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Pankaj Kumar Singh @ Pankaj Singh @ Bhikhari Singh Son Of Harendra
Singh Resident Of Village - Masadh, P.S.- Udeant Nagar, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-07-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Special case No. 195 of
2020 arising out of Bihta (Neura) P.S. Case No. 683 of 2020
dated 14.09.2020 registered for the offences u/ss 8/ 20 (b) (ii)
(c)/ 25 /29 of the NDPS Act.

4. As per the prosecution case, total 2570.400 kgs of
Ganja was recovered from a Truck and the apprehended persons
disclosed the name of the petitioner as a smuggler of said



Ganja.

5. Learned counsel for the petitioner has submitted that the petitioners is innocent and has falsely been implicated in this case. The name of the petitioner was disclosed by the co-accused. The petitioner was not present at the place of occurrence. The petitioner has no concern with the said recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.04.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner is a peddler of *Ganja*.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna in connection with Special case No. 195 of 2020 arising out of Bihta (Neura) P.S. Case No. 683 of 2020, with the conditions:-

(i). The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

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

8. The application stands allowed.

(Chandra Prakash Singh, J)

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