

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45849 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- BAISI District- Purnia

Devashish Acharya Son Of Sri Dilip Acharya R/O South Rampur, P.O.-
Rampur, P.S.- Baksir Ghat, District- Kuch Bihar (W.B.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Baisi
P.S. Case No. 139 of 2022, registered for the offences
punishable under Sections 8/20 (b) (ii) (b) and 29 of the
N.D.P.S. Act.

As per allegation total 9.400 Kg *Ganja* has been
recovered from a bag.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered
form the conscious possession of the petitioner. He also



submits that the quantity of recovered alleged contraband is much less than the commercial quantity. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that the FSL report has not come till date.

He further submits that the petitioner has been languishing in jail since 31.04.2022.

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, particularly the quantity of recovered contraband **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. Special



Judge N.D.P.S. Act, Purnea in connection with Baisi P.S.
Case No. 139 of 2022, **after framing of charge, if not
already framed** 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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