

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50868 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- JOKIHAT District- Araria

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NAGESHWAR RAY @ NAGESHWAR RAO S/O RAMJEE RAY R/O
Village- Kala Diyara, P.S- Bakhtiarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jokihat P.S.
Case No. 501 of 2022/ Special Case No. 33 of 2022 registered for
the offence under Sections 8, 20(b), 22, 25 and 29 of the N.D.P.S.
Act.

Recovery is of 15.06 Kgs. of ganja.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R., it appears that nothing has been
recovered from the conscious possession of the petitioner rather
the alleged recovery has been made from the car in question. He
further submits that the petitioner has no concern at all with the



alleged recovery and the car in question. There is non compliance of Section 42 and 50 of the N.D.P.S. Act. He further submits that the alleged recovery is less than the prescribed limit of commercial quantity. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.09.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the alleged recovery of contraband is Ganja but he fairly admits that the same does come under the purview of commercial quantity.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum- Session Judge, NDPS in connection with Jokihat P.S. Case No. 501 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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