

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56035 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- BIRPUR District- Supaul

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PANKAJ KUMAR SINGH @ PANKAJ SINGH @ PANKAJ KUMAR @
PANKAJ KUMAR PAIKARA S/o Chandeshwar Prasad Singh R/o Village-
Bhardah, P.S.-Bhardah, P.O.-Rajbiraj, District-Saptari, Nepal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, NDPS Act New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 72 of 2023 for the offence punishable under Sections 8 (c)/21(b) of the N.D.P.S. Act lodged on 1.3.2023 by the informant, Vikash Chandra Biswas.

As per the prosecution story, the informant got secret information about movement of a car coming from Bhimnagar intercepted it in which amongst other the present petitioner was present and altogether 35.72 grams of brown sugar was recovered/seized, followed by arrest and the FIR.

Learned counsel for the petitioner submits that the



alleged recovery has been jointly shown to be 35.72 grams and further similar situate Joganand Mandal has since been granted bail by a coordinate bench in Cr. Misc. No. 45090 of 2023.

Learned APP opposes the prayer stating that jointly it is 35.72 grams of brown sugar and no individual bifurcation has been made.

Taking into account the fact that petitioner do not have criminal antecedent, is in custody since 2.3.2023 (para-12) and one of the similar situate person Joganand Mandal, as stated above, has been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Spl. Judge (NDPS), Saupaul, in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 72 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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