

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53561 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- BARABAR TOURIST District-
Jehanabad

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Lauh Kumar @ Praveen Kumar, aged about 22 years, sex-Male, Son Of
Brahmdev Singh R/O Village- Dharaut, P.S.- Barabar Prayatan (vishunganj)
O.P., District- Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Srivastava, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with Barabar Prayatan (Vishunganj OP) PS Case No. 105 of 2021, dated 16-12-2021 registered for the offence punishable under Sections 8(b) and 20(a)(i) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for brevity NDPS Act).

As per the prosecution case, seven plants, of Ganja was recovered from a vacant land, which is situated near the house of this petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner and land in-question does not belong to him, but without verifying the same, petitioner has been falsely implicated in the instant case. Similarly situated co-accused, namely Shyam Kishore Singh has been granted the privilege of anticipatory bail by Co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 27998 of 2022.



Petitioner is in custody since 30-06-2022, though he has no antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody and clean antecedents, as also the quantum of recovery, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 the learned Sessions Judge, Jehanabad, in connection with Barabar Prayatan (Vishunganj OP) PS Case No. 105 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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