

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61619 of 2022**

Arising Out of PS. Case No.-1026 Year-2021 Thana- NAGAR District- Vaishali

SANJAY PASWAN Son of Suresh Paswan R/V- Dighi Kala West, P.S-
Hajipur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 03-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with NDPS
(gr) No. 11 of 2022 arising out of Hajipur P.S. Case No.
1026 of 2021, registered for the offences punishable under
Sections 8(c), 20(b)(ii)(B), 23(b) and 29 of the NDPS Act.

As per allegation, 10.455 kg of *ganja* was
recovered from the petitioner.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the alleged contraband is
much less than the commercial quantity. He also submits



that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 21.10.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in eleven other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, particularly the recovered quantity of contraband above-named, is directed to be released 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 the Ld. Addl. Sessions Judge-I, Vaishali at Hajipur in connection with NDPS (gr) No. 11 of 2022 arising out of Hajipur P.S. Case No. 1026 of 2021 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 hamper 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 criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent 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, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned 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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