

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59405 of 2023**

Arising Out of PS. Case No.-155 Year-2023 Thana- DINARA District- Rohtas

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Dharmendra Kumar @ Nachak Kumar Son Of Shyam Bihari Chaurasia @  
Shyam Bihari Paneri R/O Vill And Post - Bhagwanpur, P.S. - Bhagwanpur,  
Dist. - Kaimur (bhabua)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar Pathak

For the Opposite Party/s : Mr.Nand Kishore Prasad

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

3      08-11-2023                      Heard the learned counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner seeks bail in a case registered for  
the offence under Sections 20(b)(ii)(c)/22/25/27(A)/29 of the  
N.D.P.S. Act.

3. As per the prosecution case, total 8 Kg 600  
Grams of ganja has been recovered from the petitioner and co-  
accused Harendra Kumar.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this  
case. He is in custody since. 14.04.2023. It is further submitted  
that provisions of N.D.P.S. Act for search and seizure has not  
been followed in the present case and recovery of ganja is of



intermittent quantity. He further submits that similarly situated co-accused Harendra Kumar @ Sipahi Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 21.09.2023 passed in Cr. Misc. No. 48106 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the fact that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, this application for regular bail is allowed.

7. Let the petitioner, above named, be released on bail ***after framing of charge if the charge has not been framed yet*** and 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-cum-Special Judge (N.D.P.S.), Rohtas/concerned court below in connection with Dinara P.S. Case No. 155 of 2023 subject to conditions that:-

7(i). The petitioner shall co-operate in the trial and shall be properly represented either personally or through his lawyer on each and every date fixed by the Court and on absence on two consecutive dates without sufficient reason, the bail bond shall be cancelled by the Court below.



(ii) The petitioner will mark his attendance at the *Bhagwanpur* Police Station on the first and third Sunday of each month. Any default in appearance at the Police Station would result in cancellation of bail bond of the petitioner.

(Sandeep Kumar, J)

Shishir/-

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