

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60809 of 2023

Arising Out of PS. Case No.-506 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BHOLA KUMAR Son of Manoj Singh @ Manoj Kumar R/o vill -
Maheshwara Purbari Tola, P.S. - Nawkothe, Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv
For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 11-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner is apprehending his arrest in
connection with NDPS Case No. 41 of 2022 arising out of
Mufassil P.S. Case No. 506/2022 registered for the offence
punishable under Sections 8, 20(b)(ii)(B) of the NDPS Act.
3. One Ravish Kumar (co-accused) has been
apprehended with 1.250 kgs of *Ganja*. It is alleged that the
petitioner was also moving with him, but had fled away.
4. The learned counsel for the petitioner submits that
because the petitioner refused to be a seizure-witness, the
Aadhar Card of the petitioner has been used for implicating him
falsely in the present case. Even as per FIR, recovery is from co-



accused; and the quantum of recovery is slightly above small quantity, and way below commercial quantity. The petitioner also has no antecedents.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, quantum of recovery (less than commercial), clean antecedents, and the fact that recovery is not attributed to the petitioner, 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.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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, Begusarai in connection with NDPS Case No. 41 of 2022 arising out of Mufassil P.S. Case No. 506/2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also 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.

(Madhuresh Prasad, J)

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