

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65179 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- SONEPUR District- Saran

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Naga Rai @ Nandlal Rai Son of Rampanni Rai R/O Village - Nazarmira,
Semar Tal, P.S.- Sonepur, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

N.D.P.S.-3 of 2021, N.D.P.S. Special Case No.-14 of 2021

arising out of Sonepur P.S. Case No.- 81 of 2021, registered

for the offences punishable under Sections 20 and 21 of the

N.D.P.S. Act.

As per the allegation 160 mg smack like substance

and 19.930 gm *ganja* has been recovered.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He also submits that nothing has been recovered from



the conscious possession of the petitioner. He further submits that search and seizure has not been made as per the procedure as prescribed under the NDPS Act. He further 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 08.03.2022.

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

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, particularly, the small quantity of the alleged recovered contraband, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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 Ld. Sessions Judge-Cum-Special Judge, Saran at Chapra in connection with Sonapur P.S. Case No.- 81 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 get hampered 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 antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. 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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