

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61660 of 2023

Arising Out of PS. Case No.-444 Year-2022 Thana- MUNGER MUFFASIL District- Munger

Bhubneshwar Sah son of Late Brahmadev Saw Village- Sitarampur Farada
Ps- Nayaramnagar Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 09.12.2022 in connection with Muffasil P.S. Case No. 444 of 2022, F.I.R. dated 08.12.2022 for the offences punishable under Sections 8, 20 b (ii)(c) , 25, 29 of the NDPS Act.

3. According to prosecution case, during the checking of the vehicle, contraband (Ganja) has been recovered from the possession of the co-accused persons, namely, Rabin Yadav and Pravin Prasad.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R as well as seizure list that nothing incriminating



article (contraband) has been recovered from the possession of the petitioner rather the recovery has been made from other accused persons namely, Rabin Yadav, Praveen Prasad @ Vipin Prasad and Shyam Kumar Singh and the petitioner is the driver of the *toto* vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Shyam Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 17122 of 2023, co-accused, namely, Rabin Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 21718 of 2023 and co-accused, namely, Praveen Prasad @ Vipin Prasad has been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 23908 of 2023. The petitioner is in custody since 09.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 District



and Sessions Judge, Munger in connection with Muffasil P.S.
Case No. 444 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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