

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63858 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- BUXAR District- Buxar

Sanjay Kumar Choudhary @ Sanjay @ Bedu Choudhary S/O Late Madan Choudhary R/O Shanti Nagar, Ward No. 33, P.S- Buxar(Town), Distt.- Buxar.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Buxar Town PS Case No. 223 of 2023 instituted under Sections 21, 22, 27 of N.D.P.S Act.

3. Allegation is of recovery of 99.30 gram of Heroin like substance kept in two packets of white plastic from possession of co-accused, namely, Sanjay Kumar Lal. Allegation against the petitioner is that co-accused Sanjay Kumar Lal, who was apprehended at the spot, on enquiry, disclosed that he was going to deliver heroin like substance to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. It is submitted that except confessional statement of co-



accused Sanjay Kumar Lal there is no material to connect the petitioner in the alleged crime. There is no recovery from the conscious or physical possession of the petitioner. It is next submitted that as per disclosure made in para-3 of the bail petition three criminal case are pending against the petitioner. Out of the three cases, he is on bail in two cases.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Judge- cum -Special court, N.D.P.S. Act, Buxar in connection with Buxar Town P.S. Case No. 223 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, subject to the further condition: (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably



father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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