

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1331 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- BAISI District- Purnia

MD. HASAN Son of Md. Anul @ Md. Ainul Resident of Village - Ishakchak,
P.s.- Ishakchak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar
		Ms. Geeta Kumari Jha
For the Opposite Party/s :		Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 11-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bayasi
(Baisi) P.S. Case No. 283 of 2021, registered for the
offences punishable under Section 414 of the Indian Penal
Code and Sections 8(C) and 21(B) of the NDPS Act.

As per allegation, 25 gram of contraband was
recovered from the petitioner.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. She further submits that the alleged recovered
contraband is much below than the commercial quantity. She



further submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. She also submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. She further submits that other co-accused person, namely, Sunil Kumar Singh has already been enlarged on bail vide order dated 11.10.2022 passed in Cr. Misc. No. 2499 of 2022. She also submits that investigation in this case is complete and charge-sheet has already been submitted.

She further submits that the petitioner has been languishing in jail since 29.09.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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 quantity of the 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 the Ld. Special Judge, NDPS Act, Purnia in connection with Bayasi (Baisi) P.S. Case No. 283 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 hamper 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 any criminal antecedents, Ld.



court below shall cancel the bail bond 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 bond 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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