

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69265 of 2023

Arising Out of PS. Case No.-31 Year-2022 Thana- KANKARBAG District- Patna

TARA DEVI Wife of Krishna Mukhiya R/o vill - Viklang Bhawan
Jhoparpatti, P.S. - Kankarbagh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
12.01.2022 in connection with Kankarbagh P.S. Case No. 31 of
2022, F.I.R. dated 11.01.2022 for the offences punishable under
Sections 21(a), 21(b) 25 of the N.D.P.S. Act.

3. Allegation against the petitioner is of recovery of
9.9 Gm of smack.

4. Earlier the bail application of the petitioner was
rejected vide order dated 19.09.2022 in Cr. Misc. No.28542 of
2022, thereafter, he again approached this Hon'ble Court vide
Cr. Misc. No.30993 of 2023 which was withdrawn with a liberty
to file a fresh application before the learned trial court.
Thereafter the petitioner has filed the present application.

5. 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 the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.01.2022.

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

7. 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 Additional Sessions Judge-cum-Special Judge, Patna in connection with Kankarbagh P.S. Case No. 31 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)

Prakash Narayan

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