

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1716 of 2023**

Arising Out of PS. Case No.-475 Year-2022 Thana- ARA NAGAR District- Bhojpur

Ranjan Jaiswal S/o Jai Shankar Jaiswal @ Jaishankar Sah R/o Village- Suhia,
P.S.- Sahpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 21-06-2023 Heard Mr. Y.C. Verma, learned senior counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
31.05.2022 in connection with Ara Town P.S. Case No. 475 of
2022, F.I.R. dated 30.05.2022 for the offences punishable under
Sections 21(c) and 29 of the NDPS Act.

According to prosecution case, 440 grams of heroin
was recovered from the accused persons and on inquiry they
disclosed that the petitioner and one Sonu Kumar were
supplying heroin through their bike.



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 has been recovered from the conscious possession or the house of the petitioner rather the same has been recovered from other accused persons. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused persons and except the aforesaid, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 31.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was one of the member of the group. He further submits that the F.S.L. report also confirms that the recovered contraband is heroin.

Considering the fact that nothing has been recovered from the possession of the petitioner and the name of the



petitioner has been transpired on the basis of the disclosure made by the co-accused persons, 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 District & Sessions Judge XXVIII, Bhojpur at Ara in connection with Ara Town P.S. Case No. 475 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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