

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64125 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- SUGAULI District- East Champaran

Navneet Pandey @ Anupam Pandey S/o Shashi Pandey R/o Village- Jaga
Pakar, Pandey Tola, P.S.- Harsidhi, Distt- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 20-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since 28.05.2022 in connection with NDPS Case No. 38 of 2022 arising out of Sugauli P.S. Case No. 246 of 2022, F.I.R. dated 27.05.2022 for the offences punishable under Sections 399 and 402 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8/20(b) (ii) (c) of the N.D.P.S. Act.

4. This case relates to the recovery of one loaded country made pistol and 1.624 kg of Charas.

5. Learned counsel for the petitioner submits that



petitioner is innocent 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 one loaded country made pistol was recovered from the possession of the petitioner and 1.624 kg Charas like contraband has been recovered from the possession of the co-accused, namely, Pradeep Giri @ Dhananjay Giri. He further submits that it appears from the F.I.R. itself that no contraband has been recovered from the possession of the petitioner. He further submits that without the F.S.L report, the prosecution has filed the charge sheet against the petitioner and other accused persons. He further submits that the F.S.L report dated 14.07.2023 reveals that no Charas could be detected in the contents of the packets as described.

In view of the F.S.L report, no case is made out under the NDPS Act against the petitioner. He further submits that the similarly situated co-accused, namely, Ranjeet Rai has been granted bail by Co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 29655 of 2023, co-accused, namely, Nitesh Mishra has been granted bail by Co-ordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 63231 of 2022 and co-accused, namely, Arjun Sahani has been granted bail by Co-ordinate Bench of this Court vide



order dated 24.02.2023 passed in Cr. Misc. No. 64754 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.05.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three cases.

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 5, East Champaran, Motihari in connection with NDPS Case No. 38 of 2022 arising out of Sugauli P.S. Case No. 246 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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