

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69213 of 2022

Arising Out of PS. Case No.-719 Year-2022 Thana- BIHTA District- Patna

SATYENDRA MANJHI S/o Late Sheshnag Manjhi R/o Bata Mushari, P.S.-
Bihta, Distt- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.07.2022, in connection with Special Case N.D.P.S.
No.126/2022, arising out of Bihta P.S. Case No. 719/2022,
F.I.R. dated 23.07.2022, for the offences punishable under
Sections 8©/21(a)/27 of Narcotic Drugs and Psychotropic
Substances Act, 1985.

According to prosecution case, 50 sachet weighing
total 15.700 gm smack like substance has been recovered from
three accused persons, out of which, 15 puria smack has been
recovered from the possession of the petitioner.

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 altogether 15 gram 710 milligram smack has been recovered from the conscious possession of the petitioner and other co-accused persons. He further submits that out of 50 puria, 15 puria has been recovered from the pant pocket of the petitioner, which is much less than the commercial quantity and there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that there is non-compliance of Section 50 of the N.D.P.S. Act. He further submits that another co-accused persons namely, Rajesh Manjhi has been granted bail vide order dated 20.03.2023 passed in Cr. Misc. No. 69032/2022 and the case of the petitioner is on similar footing and the police after investigation submitted the charge sheet against the petitioner on 15.09.2022 and the petitioner is in custody since 25.07.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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-XXIV-cum-Special Judge N.D.P.S. Patna, in



connection with Special Case (N.D.P.S.) No.126/2022, arising out of Bihta P.S. Case No. 719/2022, 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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