

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69771 of 2022

Arising Out of PS. Case No.-301 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Kalpu Bind S/O Chhotu Bind R/O Village- Manihari, P.S- Bhabua, District-
Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 29-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Durgawati P.S. Case No. 301 of 2022, registered for the

offences punishable under Sections 8(C), 20(b)(ii)B and 29

of the N.D.P.S. Act.

As per allegation, from a car, total 16 KG of Ganja

was recovered. The petitioner and one co-accused were

found sitting in the alleged car.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the petitioner is a handicapped person and he had only taken lift in the alleged vehicle. He was not aware about the alleged contraband being carried in the alleged car. It is further submitted that the quantity of the recovered contraband is much less than the commercial quantity as prescribed under law. Other co-accused persons, namely Ajay Narayan @ Banti and Hariom Kumar have been granted bail by a co-ordinate Bench of this Court, vide Cr. Misc. Nos. 68349 of 2022 and 70318 of 2022, respectively.

He further submits that the petitioner has been languishing in jail since 14.10.2022.

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, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 301 of 2022, 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 get hampered 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 concealed his criminal



antecedents, learned court below shall cancel the bail bonds 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, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

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)

Amrendra/-

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