

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9723 of 2023

Arising Out of PS. Case No.-35 Year-2013 Thana- GARDANIBAG District- Patna

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Pappu Khan @ Parvez Alam Son of Anul Miyan @ Anul Haque R/O
Mohalla- Damariya, P.S.- Gardanibagh, District- Patna

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Gardanibagh P.S. Case No. 35 of 2013 registered for the offence
under Section 22/23 of N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.06.2022.

The allegation against this petitioner is to have in
possession of 364 sachets contraband i.e., smack alongwith
other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was not apprehended on spot and his



name surfaced on the basis of disclosure made by apprehended co-accused, namely, Rakesh Kumar from the possession of whom alleged 364 sachets of smack were recovered. It is submitted that similarly situated co-accused persons, namely, Rakesh Kumar, Santosh Kumar @ Santosh Rai and Ajeet Kumar @ Ajeet Paswan have already granted bail by learned co-ordinate Benches of this Court through Cr. Misc No. 20615 of 2014 vide order dated 27.05.2014, Cr. Misc. No. 4623 of 2016 vide order dated 28.01.2016 and Cr. Misc. No. 14015 of 2017 vide order dated 27.03.2017, respectively. While concluding the argument, it has been submitted that petitioner found involved in one criminal case, where after trial, he was acquitted and as such it can be safely said that he is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no contraband i.e., smack as alleged was recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.06.2022, accordingly the



petitioner, above named, is directed to be released on bail in connection with Gardanibagh P.S. Case No. 35 of 2013 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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