

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72395 of 2022

Arising Out of PS. Case No.-295 Year-2022 Thana- BAISI District- Purnia

NIRAJ SAHA SON OF JAGARNATH SAHA R/O DALKOLA, LOKNATH
PARA, P.S.- DALKOLA, DISTRICT- UTTAR DINAJPUR, WEST BENGAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seek bail in connection with Baisi P.S.
Case No. 295 of 2022 (Special Case No. 51 of 2022/ CIS No. 51 of
2022) registered for the offence under Sections 8(c) and 21(b) of
the N.D.P.S. Act.

Recovery is of 204 grams of smack.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. and the seizure list that 204 gram of
smack has been recovered from the possession of petitioner. He
further submits that the police without obtaining the F.S.L. report
has submitted charge sheet in this case against the petitioner on



10.09.2022 and the F.S.L. report is of 16.01.2023 which is obtained after more than three months of submission of charge-sheet. He further submits that the recovered article does not come under the purview of commercial quantity, therefore, this is no bar for this Court to grant bail to the petitioner. The petitioners are rotting in judicial custody since 27.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, N.D.P.S. Act, Purnea in connection with Baisi P.S. Case No. 295 of 2022 (Special N.D.P.S. Case No. 51 of 2022/ CIS No. 51 of 2022) with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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