

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75285 of 2022

Arising Out of PS. Case No.-724 Year-2022 Thana- DANAPUR District- Patna

Manoj Pal @ Chachawa S/O Late Deep Narayan Pal @ Deep Narayan Bhagat
@ Dipan Bhagat Resident of village- Saguna More, Near Vimal Hospital,
P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
22.07.2022, in connection with Special Case No. 120 of
2022/N.D.P.S. Case No. 153/2022 arising out of Danapur P.S.
Case No. 724 of 2022, F.I.R. dated 21.07.2022 registered for the
offences punishable under Sections 290, 354(a), 504, 379, 341
of the Indian Penal Code and Sections 21(a)/29 of the N.D.P.S.
Act.

The case relates to recovery of 07 grams of Brown
Sugar.

Learned counsel for the petitioner submits that the
petitioner carries one more case other than the present one and



he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 14 *pudiya Brown Sugar* has been recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that 14 *pudiya Brown Sugar* containing 0.5 miligrams total 07 grams Brown Sugar was recovered from the possession of the petitioner and the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the ND.P.S. Act for grant of bail to the petitioner and there is non compliance of Section 50 of the N.D.P.S. Act. He further submits that co-accused persons, namely, Golu Kumar, Anil Kumar @ Gorkha, Vikky Kumar, Shivaji Kumar, Ranjeet Kumar, Sandeep Kumar have been granted bail by the Court of learned Additional Sessions Judge XXV-cum-Special Judge, N.D.P.S. Act, Patna vide order dated 30.09.2022 passed in Special Case No. 120 of 2022/N.D.P.S. Case No. 153 of 2022 and another co-accused persons, namely, Monu Kumar, Deepak Kumar, Sonu Kumar have been granted bail by the Court of learned Additional Sessions Judge XXV-cum-Special Judge, N.D.P.S. Act, Patna vide order dated 11.10.2022 passed in Special Case No. 120 of 2022/N.D.P.S. Case No. 153 of 2022. He further submits that the police after investigation submitted



chargesheet against the petitioner and the petitioner is in custody since 22.07.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XXV-cum-Special Judge, N.D.P.S. Act, Patna, in connection with Special Case No. 120 of 2022/N.D.P.S. Case No. 153 of 2022 arising out of Danapur P.S. Case No. 724 of 2022, subject to the following conditions :-

(1) If the petitioner is found indulged in any N.D.P.S. case in future, the bail bond of the petitioner suo motu shall be cancelled by the learned Court below.

(2) 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.

(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(4) 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 antecedents, 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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