

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74623 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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SANJEET KUMAR MISHRA Son of Uday Kumar Mishra Resident of
Village, P.O. and P.S.- Kunda, District - Chatra (Jharkhand)... .. Petitioner/s
Versus

1. The Union of India Government of India
 2. The State of Bihar Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate
For the UOI : Mrs. Shail Kumari, C.G.C.
For the State : Mr. Sanjay Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner, the learned
counsel for the Union of India and learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
18.07.2022 in connection with N.D.P.S. Case No.20 of 2022
arising out of N.C.B. Patna Case No. 18 of 2022 registered for
the offence punishable under Sections 8(c), 21(c) and 29 of the
N.D.P.S. Act.

As per the prosecution case, total 390 grams heroin
was recovered from the bag of the co-accused Sanjeet Kumar
Mishra and the petitioner was sitting beside the co-accused
person in the Bus.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that as per



allegation in the FIR the petitioner has been apprehended with the contraband. Further submits that there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act and the seizure list was prepared in the Police Station not at the place of occurrence and without F.S.L. Report the petitioner has been implicated in the present case. Further submits that the co-accused, namely, Sanjay Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 22.03.2023 passed in Cr. Misc. No.64276 of 2022 and the case of the petitioner is on similar footing and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.07.2022.

Learned counsel for the Union of India, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the F.S.L. Report confirms that the recovered contraband is Heroin but fairly submits that the co-accused has been granted bail by a Coordinate Bench of this Hon'ble Court.

Considering the facts and circumstances of the case, 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 learned Sessions



Judge, Sasaram at Rohtas in connection with N.D.P.S. Case No.20 of 2022 arising out of N.C.B. Patna Case No. 18 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 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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