

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.705 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- NAUGACHIA District- Bhagalpur

BIKASH KUMAR PANDIT @ BHANU PANDIT SON OF SURESH
PANDIT R/O VILLAGE- TETRI, WARD NO.10, P.S.- NAUGACHIA,
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Naugachia
P.S. Case No. 294 of 2022 dated 28.09.2022 registered for the
offence under Sections 413, 414, and 34 of the Indian Penal Code
and Sections 8, 17(b) and 22(b) of the N.D.P.S. Act. and 25(1-b)a
and 26 of the Arms Act.

Recovery is of 2 gram (16 sachet) of smack from the
possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that according to the F.I.R and the
seizure list, 2 gram of smack is said to have been recovered from
the possession of the petitioner but the alleged quantity of smack



does not fall within the purview of commercial quantity, therefore, there is no embargo upon the Court to grant bail to the petitioner. He further submits that there is non-compliance of Section 50 of the N.D.P.S. Act. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.09.2022.

On the other hand learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is heroin. He further submits that the petitioner also carries one more case other than the present one.

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 Sessions Judge, Bhagalpur in connection with Naugachia P.S. Case No. 294 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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