

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8910 of 2023**

Arising Out of PS. Case No.-257 Year-2022 Thana- NAWANAGAR District- Buxar

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DHANESH KUMAR S/o Swaminath Mahto @ Shyam Nath Mahto R/o
Village- Nawada Kodhwa Tola, P.S.- Udwant Nagar, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh,Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 07-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
06.08.2022 in connection with N.D.P.S. Case No.38 of 2022
arising out of Nawanagar (Sonvarsa O.P.) P.S. Case No. 257 of
2022, F.I.R. dated 06.08.2022 registered for the offence
punishable under Sections 20/22 of the N.D.P.S.Act.

3. Recovery is of 6 Kg of Ganja from possession of
the petitioner and 08 Kg of Ganja from possession of co-
accused Sonu Paswan.

4. 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
from bare perusal of the FIR as well as the seizure list that



altogether 14 Kg of Ganja like substance has been recovered from possession of the petitioner and co-accused Sonu Paswan. Learned counsel for the petitioner submits that there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail. Further submits that co-accused person, namely, Sonu Paswan, who has been apprehended alongwith the petitioner, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 28.03.2023 passed in Cr. Misc. No. 1260 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.08.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 Additional District and Sessions Judge-XI, Buxar in connection with N.D.P.S. Case No.38 of 2022 arising out of Nawanagar (Sonvarsa O.P.) P.S. Case No. 257 of 2022 with the following conditions:-



(I) 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.

(II) 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.

(III) 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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