

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4395 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- DIDARGANJ District- Patna

=====

VISHAL KUMAR BAITHA S/o Umesh Baitha R/o village- Bhorphopur, P.O.
and P.S.- Ekma, Distt- Saran(Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Singh, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
21.06.2022 in connection with Didarganj P.S. Case No. 162
of 2022, F.I.R. dated 20.06.2022 registered for the offence
punishable under Sections 8(C)/20(B)/29 of the NDPS Act.

The case relates to recovery of 09 Kg of Ganja.

Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case merely on the
ground that the petitioner is driver of the vehicle in question
and 09 Kg of Ganja was recovered from the vehicle in
question. Further submits that it appears from the FIR as well



as the seizure list that the recovery has been made from the backside of the vehicle 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 and the co-accused, namely, Mantu Mahto has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.03.2023 passed in Cr. Misc. No.70397 of 2022 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 21.06.2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the F.S.L. Report confirms that the recovered contraband is Ganja and the same is less than the commercial quantity.

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 Sessions Judge-XXVI, Patna in connection with Didarganj P.S. Case No. 162 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)

Nitesh/-

U		T	
---	--	---	--

