

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23380 of 2024

Arising Out of PS. Case No.-732 Year-2020 Thana- MASAUDHI District- Patna

Biru Giri S/o Binda Giri, R/o village - Dudhichak, P.S. - Masaurhi, Distt. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Anuj Kumar, Advocate

For the State : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Anuj Kumar, the learned counsel for the petitioner and Mr. Sanjay Kumar Singh, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Masaurhi PS Case No. 732 of 2020, FIR dated 04.12.2020, registered for the offences punishable under Sections 20 and 22 of the NDPS Act.

3. According to prosecution case, the petitioner along with one other co-accused person after seeing the police party fled away from a house and the chowkidar identified both the persons. It is further alleged that upon being searched three hundred grams of 'ganja' was recovered from the room of petitioner.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is that three hundred grams of '*ganja*' was recovered from besides the bed in the room of the petitioner. He further submits that there is non-compliance of Section 42 and 57 of the NDPS Act and petitioner was not apprehended at the place of occurrence and the recovered contraband is lesser than the small quantity.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and he is not the exclusive owner of the house in question, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge (NDPS), Patna, where the case is pending in connection with **Masaurhi PS Case No. 732 of 2020**, subject to the conditions as laid down under Section



438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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