

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27644 of 2024

Arising Out of PS. Case No.-162 Year-2022 Thana- Excise P.S. District- Nawada

Govind Nayak S/o- Aparao Paik @ Aparao Nayak Resident of Village-
Ramgarra, P.S.- Arwa, Dist- Gajapati (Odisha).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manmohan Kumar, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Learned counsel for the petitioner is permitted to
correct paragraph-13 of the bail petition in course of the day.

2. Heard Mr. Manmohan Kumar, learned counsel for the
petitioner and Mr. Chandra Sen Prasad Singh, learned learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with Nawada
Excise P.S. Case No. 162 of 2022 registered for the offence under
Sections 8/20(ii)(b) of the N.D.P.S. Act.

4. Four kilogram of ganja is said to have recovered from
the bag of the petitioner.

5. Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and has
falsely been implicated in this case. He further submits that from a
bare perusal of the FIR it appears that altogether 13 kgs of ganja



was recovered from the petitioner and other co-accused persons and out of which four kilogram of ganja was recovered from the petitioner. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 52(A) of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that other co-accused person namely, Rikord Singh @ Rikard Singh @ Rikarda Nayak has already been granted bail by this Court vide order dated 22.06.2023 passed in Cr. Misc. No. 73373 of 2022 and another co-accused person, namely, Lingraj Jani @ Lingaraj Jani has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 72019 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.06.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity and other co-accused persons have already been granted bail by this Court as well as Co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on



furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 1st Nawada in connection with Nawada Excise P.S. Case No. 162 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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