

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35129 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

Uday Shankar Chaudhary Son of Sri Ram Chaudhary R/O Vill.- Balha Nand
Nagar, P.S.- Rosera, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
PTN (NDPS) Case No. 347 of 2023 arising out of Laheriasarai
P.S. Case No. 428/2023, lodged on 08.09.2023 under Sections
385/414/34 of IPC and under Sections 8(C)/20(b) (ii)/
(c)/22(c)/25/29 of the NDPS Act.

3. As per the prosecution case, FIR has been lodged
against three named accused persons including the present
petitioner and total recovery of 1100 gms Ganga alongwith
certain mobiles has been made.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the alleged Ganga recovered is less than the
commercial quantity which is 20 kg or above. Counsel further



submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him which is not under NDPS Act and in which he is on bail. The petitioner is in custody since 09.09.2023 in the present case.

5. Learned counsel for the petitioner submits that similarly situated co-accused person has been granted bail by this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 84390 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail, but only after framing of charge, if not framed on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Darbhanga in connection with Laheriasarai P.S. Case No. 428/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.



8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Rosera P.S. Case No. 401 of 2022.

(Dr. Anshuman, J)

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