

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38595 of 2024

Arising Out of PS. Case No.-761 Year-2023 Thana- NARPATGANJ District- Araria

Pintu Kumar Paswan @ Pintu Paswan S/O Hiralal Paswan @ Horalal Paswan
R/O Village- Jimrahi, Ward no.02(Sonapur), P.S. Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr. Arvind Kumar, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-05-2024 Heard learned Senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Special Case No. 125 of 2023, arising out of Narpatganj
(Bathnaha) P.S. Case No.761 of 2023, lodged on 26.12.2023,
under Sections 8/20(b)(ii)(c) of the Narcotic Drugs &
Psychotropic Substance Act, 1985.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner
against whom there is an allegation that they were carrying
NDPS material and thrown on the roadside which was seized by
the police later on and on the identification of the villagers
names of accused persons including the present petitioner have



figured .

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from the content of the FIR itself it is very clear that nothing incriminating was recovered from the possession of the petitioner and his name has figured in this case by virtue of the statement made by the villagers. Counsel submits that from the seizure list it transpires that the seized material is *Ganja* weighing 48 Kg. which was packed in two bags. Counsel submits that name of the petitioner has figured in this case only due to the reason that the antecedent of the petitioner is not clean and there are three criminal cases pending against him in which he is on bail. He further submits that those two cases are relating to Excise Act and one case is of the IPC. Counsel further submits that the petitioner is in custody since 30.03.2024.

5. Learned counsel for the State opposes the prayer for bail and submits that though police has not recovered the said *Ganja* from the possession of the petitioner, but it has been alleged in the FIR that it is the petitioner along with other accused who had thrown two bags.

6. In the present facts and circumstances of this case



and the submissions made above, let the petitioner, above named, be granted bail **on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Narpatganj (Bathnaha) P.S. Case No.107 of 2019, (ii) Narpatganj (Bathnaha) P.S. Case No.97 of 2021, and (iii) Narpatganj (Bathnaha) P.S. Case No.580 of 2023**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge cum Special Judge, NDPS, Araria in connection with Special Case No. 125 of 2023, arising out of Narpatganj (Bathnaha) P.S. Case No.761 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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