

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49192 of 2024**

Arising Out of PS. Case No.-764 Year-2023 Thana- BHAGALPUR KOTWALI District-  
Bhagalpur

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MOHAN CHAUDHARY @ MOHAN KUMAR SON OF RAJENDRA  
CHOUDHARY R/O- MOHALLA- NAYACHAK, NEAR BUDHIYA KALI  
ASTHAN, P.S.- ISHAKCHAK, DISTT.- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                              |
|----------------------------|---|------------------------------|
| For the Petitioner/s       | : | Mr.Ganpati Trivedi, Sr. Adv. |
|                            | : | Mr.Madan Mohan, Adv.         |
| For the Opposite Party/s : |   | Mr.Yogendra Kumar, APP       |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      06-09-2024                      Heard learned senior counsel Mr. Ganpati Trivedi  
for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Kotwali P.S. Case No.764 of 2023 lodged under Sections 8(c),  
21(c), 22 of the N.D.P.S. Act.

3. Learned senior counsel for the petitioner submits  
that the bail application of the petitioner has earlier been  
rejected vide order dated 16.04.2024 passed in Cr. Misc.  
No.7385 of 2024 in which liberty was granted to him to renew  
his prayer for bail after framing of charge.

4. Learned senior counsel for the petitioner further  
submits that in the order sheet, it has also been acknowledged



that N.D.P.S. material has not been recovered from petitioner's possession.

5. Learned senior counsel for the petitioner submits that petitioner's antecedent is not clean. There are two criminal cases pending against him in which he is on bail in both cases.

6. Learned counsel for the State opposes the prayer for bail.

7. 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 by the trial court that the petitioner is not absconding in any of the following cases i.e., (i) Ishakchak P.S. Case No.1 of 2022 (ii) Ishakchak P.S. Case No.27 of 2023 which are pending against him**, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions -cum- Special Judge, N.D.P.S. Act., Bhagalpur in connection with Kotwali P.S. Case No.764 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. 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.

8. With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

Prakashmani/-

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