

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78930 of 2024

Arising Out of PS. Case No.-25 Year-2017 Thana- SIKARPUR District- West Champaran

Suresh Tiwari @ Somnath Tiwari @ Tumnath Tiwari Son of Late Hardev
Tiwari Resident of Village- Serahava Dakahwa, P.S.- Shikarpur, Distt.- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Trial
No. 08 of 2021, arising out of Shikarpur P.S. Case No. 25 of
2017 instituted for the offences under Sections 20, 22 of the
N.D.P.S. Act.

3. Prosecution case, in short, is that 15 Kilogram
ganja has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that police, after
investigation, submitted charge-sheet against the co-accused
person and submitted final report against the petitioner,



however, differing with the same, the learned court below took cognizance against the petitioner for offences under Sections 20, 22 of the N.D.P.S. Act vide order dated 28.01.2021. Petitioner is in custody since 26.08.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Trial No. 08 of 2021, arising out of Shikarpur P.S. Case No. 25 of 2017, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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