

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79790 of 2023

Arising Out of PS. Case No.-77 Year-2020 Thana- MATIHANI District- Begusarai

Chandan Kumar @ Chandan Kumar Mahto S/O Jagdish Mahto R/O Village-
Nayagaon, P.S- Nayagaon, Distt.- Begusarai. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-01-2024 Heard Mr. Amar Kumar Singh, learned counsel for

the petitioner and Mr. Manoj Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.06.2020 in connection with N.D.P.S. Case No. 12 of 2020
arising out of Matihani P.S. Case No. 77 of 2020, F.I.R. dated
28.06.2020 for the offences punishable under Sections 20(B)
(ii)B, 22 of the N.D.P.S. Act.

3. Earlier the bail application of the petitioner has
been rejected vide order dated 12.01.2022 passed in Cr. Misc.
No. 26751 of 2021. Thereafter, the petitioner has again moved
before this Hon'ble Court in Cr. Misc. No. 60759 of 2022 which
was also rejected vide order dated 29.08.2023.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner was apprehended along with other co-accused persons and altogether 26.29 kg Ganja has been recovered from the possession of the petitioner and other accused persons. He further submits that the after the framing of charge the F.S.L report has been submitted before the learned Trial Court. He further submits that the similarly situated co-accused person, namely, Shambhu Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 31.08.2022 passed in Cr. Misc. No. 35235 of 2022. He further submits that it appears from the impugned order itself that till the framing of charge the F.S.L report has not been challenged by the prosecution. The petitioner is in custody since 29.06.2020.

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

6. Considering the aforesaid facts and circumstances and the fact that the F.S.L. report has been submitted after the framing of charge and the co-accused person has been granted bail and the report of the learned Trial Court reveals that the prosecution has not examined any witness as yet, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge 1st Begusarai in connection with N.D.P.S. Case No. 12 of 2020 arising out of Matihani P.S. Case No. 77 of 2020, 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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