

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4012 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- FATUA District- Patna

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Satish Kumar S/o Panchanand Ray @ Panchanan Ray R/o Village- Kewlatal,
P.S. Fatuha, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shraddhanand Paswan, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Fatuha P.S. Case No. 803 of 2023 registered for the offences
punishable under Section 8(c), 20 and 22 of the N.D.P.S. Act.

3. As per prosecution case, there is alleged
recovery of 02.320 gram Ganja from jute bag of the petitioner.
But seizure list indicates that 02.320 Kg of Ganja was recovered
from the jute bag of the petitioner and he was apprehended on
the spot.

4. Learned counsel for the petitioner submits that
so far as the authenticity of the prosecution case is concerned,
there is difference on the point of recovery of Ganja as
according to seizure list, 02.320 Kg of Ganja was recovered but



according to F.I.R 02.320 gram Ganja was recovered. He further submits that the petitioner is not in any way connected with the alleged recovery of Ganja. Petitioner is quite innocent and has committed no offence as alleged against in F.I.R. Petitioner is in custody since 29.10.2023 and bears criminal antecedent of one case which is not similar to the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been prepared as per law.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge (NDPS), Patna in connection with Fatuha P.S. Case No. 803 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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