

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27101 of 2025

Arising Out of PS. Case No.-436 Year-2022 Thana- BAISI District- Purnia

Chandan Kumar S/O Ranjeet Ray @ Ranjit Ray R/O Village- Daud Nagar
Bidupur Police Station- Bidupur, Distt.- Viashali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2025 Heard Mr. Ashok Kumar Mishra, learned counsel for
the petitioner and mr. Raj Ballabh Singh, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
24.01.2025, in connection with Suppl. Special Case No. 02 of
2023 arising out of Baisi P.S. Case No. 436 of 2022, F.I.R. dated
06.11.2022 registered for the offences punishable under
Sections 8/20(b)(ii)(B)/25 of the NDPS Act.

3. The case relates to recovery of 9.494 Kgs. of Ganja.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case on the basis of confessional
statement of co-accused person namely Abhay Kumar who was
the driver of the vehicle in question and altogether 9.494 Kgs. of
Ganja was recovered from the vehicle in question and as per



confessional statement of co-accused, the petitioner was fled away from the place of occurrence. He further submits that the said co-accused Abhay Kumar has been granted bail by this Court vide order dated 16.08.2023 passed in Cr. Misc. No. 28333 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2025.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person and the said co-accused person has been granted bail by this Court as well as the recovered contraband is less than the commercial quantity, so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail, 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 Special Judge (N.D.P.S. Act), Purnea in connection with Suppl. Special Case No. 02 of 2023 arising out



of Baisi P.S. Case No. 436 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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