

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35614 of 2025

Arising Out of PS. Case No.-361 Year-2023 Thana- KORHA District- Katihar

=====

Ganesh Sah @ Ganesh Kumar Son of Mahadev Choudhary Resident of
Village- Gerabari Bazar PS- Korha District -Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2025 Heard Mr. Pramod Kumar Mallick, learned counsel for
the petitioner and Mr Jagdhar Prasad, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with NDPS Case No. 48 OF 2023 arising out of Korha P.S. Case No. 361 of 2023, F.I.R. dated 18.09.2023 registered for the offences punishable under Sections 8(c)/21(b)/22 of the N.D.P.S. Act, 1985.

3. The case relates to recovery of mobile phones, 100 grams of Smack and a Swift car.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by the apprehended co-accused persons namely, Rikki



Singh @ Dipanshu Kumar and Raunak Kumar @ Raja. He further submits that co-accused person namely Kishan Paswan whose name has also been transpired on the basis of disclosure made by co-accused persons has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 18.10.2024 passed in Cr.Misc. No. 68120 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory 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 disclosure made by co-accused person and the similarly situated co-accused person has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Katihar in connection with NDPS Case No. 48 of 2023 arising out of Korha P.S. Case No. 361 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other 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 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)

Ibrar//-

U		T	
---	--	---	--

