

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74094 of 2024

Arising Out of PS. Case No.-731 Year-2022 Thana- JAKKANPUR District- Patna

Sandeep Kumar Son of Sri Devendra Rai R/o Brahmchari, P.S- Maner, Patna
at Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-01-2025 Heard Mr. Vijay Kumar Sinha, learned counsel for
the petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
10.08.2024, in connection with Special (N.D.P.S.) Case No. 49
of 2023 arising out of Jakkanpur P.S. Case No. 731 of 2022, FIR
dated 27.12.2022 registered for the offence under Sections
8/20(b)(ii)(B) of the N.D.P.S. Act.

3. According to prosecution case, altogether 12.300
kg of ganja has been recovered from a motorcycle.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and he has falsely been implicated in this case. He
further submits that as per the allegation in the FIR altogether
12.300 kg of ganja recovered from the possession of the



Dhantosh Kumar who has disclosed the name of the petitioner. He further submits that except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused person, namely, Dhantosh Kumar has already been granted bail by this Court vide order dated 22.08.2023 passed in Cr. Misc. No. 27471 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.08.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and the name of the petitioner has been transpired during the investigation on the basis of the disclosure made by the co-accused person, nothing has been recovered from the possession of the petitioner and the co-accused person against whom the recovery has been made has already been granted bail by this Court, let the, above named, petitioner 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 learned Sessions Judge Cum Special Judge,



N.D.P.S. Act, Patna in connection with Special (N.D.P.S.) Case No. 49 of 2023 arising out of Jakkanpur P.S. Case No. 731 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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