

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 31831 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- GHORASAHAN District- East
Champaran

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1. Subodh Kumar, aged about 23 years (M), son of Bhagirath Gosai, resident of Village-Jamuniya, P.S.- Jharokhar, District-East Champaran.
 2. Sheshnath Kumar @ Sheshnath Prasad, aged about 23 years (M), son of Rampravesh Rai, resident of Village-Tonwa, P.S.- Jharokhar, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Inspector General, S.S.B., Frontier Head Quarter, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Umesh Chandra Verma, learned counsel for the petitioners and Mr. Mukesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with



NDPS 10 of 2020 arising out of Ghorasahan PS Case No. 62 of 2020 dated 17.02.2020, instituted under Sections 18/20(b)(i)(ii)(C)/24/25 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act').

4. The allegation against the petitioners is that from a Scorpio vehicle and a motorcycle which the officials of the *Sashastra Seema Bal* had found and searched at Motihari, 7.5 Kgs. of *ganja* was recovered and four persons, including the petitioners, were arrested at the spot.

5. Learned counsel for the petitioners submitted that besides the recovered quantity of *ganja* being below the commercial quantity under the NDPS Act, the petitioners having no criminal antecedent are in custody since 18.02.2020. It was further submitted that from the reading of the complaint itself it is clear that there is total lack of clarity with regard to whether the accused were caught from the Scorpio vehicle or the motorcycle or were found near the said vehicles. Learned counsel submitted that out of the four accused, the two other co-accused Ajay Kumar and Shivam Kumar have been granted bail by a coordinate bench on 02.12.2020 in Cr. Misc. No. 31559 of 2020.



6. Learned APP submitted that the petitioners have been caught with the contraband and further that 7.5 Kgs. of *ganja* may be below the commercial quantity but definitely much more than small quantity, as defined under the NDPS Act.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge, Motihari, East Champaran in NDPS Case No. 10 of 2020 arising out of Ghorasahan PS Case No. 62 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause,



shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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