

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24142 of 2021

Arising Out of PS. Case No.-398 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Nandji Singh S/O Shri Ram Singh R/O Village-Tapovan, Shivganj, P.S-
Kudra, District-Kaimur Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2021 Heard Mr. Ravi Prakash learned counsel appearing on
behalf of the petitioner and learned APP appearing on behalf of
the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 12.01.2021 seeks
regular bail in connection with Kudra P.S. Case No. 398 of 2020
dated 27.12.2020 registered for offences punishable under
Sections 8(c)/20(b)(ii) B/22 N.D.P.S. Act, 1985.

Prosecution case in brief is that the petitioner is
engaged in sale of prohibited items. On 26.12.2020, a raid was
conducted and 3 kg 900 gm *ganja* (Marijuana) was recovered
from the shop of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that he has already been released on bail in connection with Kudra P.S. Case No. 397 of 2020 under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 vide order dated 04.09.2021 passed in Cr. Misc. No. 36817 of 2021 which finds mention in the FIR, and pleads that he has been implicated in the present case on the basis of false allegation. He further submits that petitioner is in custody since 12.01.2021. He further submits that he is innocent and be released on bail.

Learned A.P.P., however, vehemently opposed the prayer for bail.

Having considered the above mentioned facts and circumstances of the case as well as submission made on behalf of the parties, no incriminating article has been recovered from the possession of the petitioner rather the same has been recovered from the shop and the total quantity of marijuana is less than commercial quantity and in absence of any eye witness to the seizure list, this Court directs to release the petitioner on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge cum-Special Judge, Kaimur at Bhabua in connection with Kudra P.S. Case No. 398



of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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