

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33021 of 2020

Arising Out of PS. Case No.-328 Year-2020 Thana- CHANPATIA District- West Champaran

1. Rakesh Kumar Singh, aged about 38 years (M), Son of Nagendra Singh
2. Ravi Singh, aged about 24 years (M), son of Parshuram Singh
3. Jitesh Singh, aged about 23 yeas (M), son of Late Suresh Singh,
All are resident of village- Vishambhra (Rulhi), Police Station- Majhaulia,
District- West Champaran.
4. Vijay Singh, aged about 48 years (M), son of Late Mahatam Singh, resident
of Village- Pakariya, Ward No. 12, Police Station- Jagdishpur, District- West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through the Director General, Narcotic Control Bureau,
New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP
For the Union of India	:	Mr. Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Bashishtha Narayan Mishra, learned counsel for the petitioners; Mr. Manoj Kumar Singh, learned counsel for the Union of India and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners are in custody in connection with Chanpatia PS Case No.328 of 2020 dated 10.07.2020, instituted under Sections 08, 20(b), 22 and 23 of the Narcotic Drugs and Psychotropic Substances Act, 1985.



3. The allegation against the petitioners is that from the jeep being driven by the petitioner no. 1, on which other three petitioners were also riding, 10 Kgs. *Ganja* was recovered.

4. Learned counsel for the petitioners submitted that the jeep was being driven by someone else and upon seeing the police the driver had run away and the petitioners not suspecting that there was any contraband, remained in the jeep. It was submitted that the jeep belongs to a person from Orissa and they were labourers there and were returning home and on the way they were caught by the police. It was further submitted that the petitioners having no criminal antecedent are in custody since 10.07.2020. Learned counsel submitted that even the amount recovered is less than commercial quantity.

5. Learned counsel for the Union of India submitted that the *Ganja* recovered was worth rupees four lakhs. However, he did not controvert that the recovery is less than commercial quantity.

6. Learned APP adopted the argument of learned counsel for the Union of India.

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 Sessions Judge, Bettiah, West Champaran, in Chanpatia PS Case No.328 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 illegal/criminal activity, act in violation of any law/statutory provisions, 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)

J. Alam/-

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