

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5633 of 2021**

Arising Out of PS. Case No.-176 Year-2020 Thana- MOKAMAH District- Patna

ROHIT KUMAR @ ROHIT KUMAR SAO Son of Late Tulsi Sao Resident  
of Village - Gurudeo Tola, P.S.- Mokama, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amit Kumar Anand, Adv

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      12-04-2021

Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 20(b)(ii) (c) and 22 (c) of the NDPS Act.

On a secret information, a raid was conducted in the rented house of co-accused Govind Kumar and 10 Kg. of Ganja was recovered and this petitioner alongwith other co-accused persons were arrested on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. It is further submitted that in the FIR itself, it has been alleged that Ganja has been recovered from the rented house of co-accused Govind Kumar and petitioner was apprehended simply because he was one of the renter in the house. The recovered Ganja is



below the commercial quantity. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 08.03.2021 in Criminal Miscellaneous No. 1874 of 2021 and 18.03.2021 Criminal Miscellaneous No. 858 of 2021.

Petitioner has got clean antecedent and he is in custody since 02.09.2020. Chargesheet has already been submitted.

Considering the material available on record as well as the fact that recovery has been made from the rented house of co-accused and petitioner has clean antecedent, the bail application of petitioner is allowed, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Special (NDPS) Case No. 131 of 2020** arising out of **Mokama P.S. Case No. 176 of 2020**, with following conditions:-

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

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers 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.

**(S. Kumar, J)**

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