

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6231 of 2022

Arising Out of PS. Case No.-57 Year-2017 Thana- DAGARUA District- Purnia

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1. SHIBU SARKAR, S/o Parimal Sarkar R/o Village/Town- Agartalla, G.B. Road, P.S.- Pashchim Tripura, District- Pashchim Tripura, State- Tripura, PIN 799001
 2. Pranav Malakar, S/o Gorang Malakar R/o Village/Mohalla- A.D. Nager, Beltulli, P.S.- Beltulli, District- Pashchim Tripura, State- Tripura, PIN- 7990001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Jha

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Dagarwa (Purnea) P.S. Case No. 57 of 2017, dated

06.05.2017, corresponding to Spl. Case No. 11 of 2017,

registered for the offences punishable under Section 20 of



N.D.P.S. Act of I.P.C.

The allegation is that 874.140 Kg Ganja has been recovered by the police from a truck, bearing Registration No. AG01DD2063.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that no mandatory rules regarding search and seizure has been followed as provided by the N.D.P.S Act. He further submits that the petitioners are poor persons and nothing has been recovered from their conscious possession. He also submits that two accused persons, namely, Md. Chunnu @ Chunna and Md. Imtiyaz have already been enlarged on bail by different Benches of this Court *vide* order dated 27.11.2017 and 09.07.2018, passed in Cr. Misc. No. 53432 of 2017 and Cr. Misc. No. 27190 of 2018. He also submits that the petitioners have been languishing in jail for more than 5 years i.e. since 07.05.2017.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for



grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, (N.D.P.S.), Purnea in connection with Dagarwa (Purnea) P.S. Case No. 57 of 2017, dated 06.05.2017, corresponding to Spl. Case No. 11 of 2017, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that



investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing him and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed



to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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