

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72361 of 2021

Arising Out of PS. Case No.-309 Year-2021 Thana- ITARHI District- Buxar

Nantara Devi Son of Chhotelal Chouhan Resident of Village - Bhelipur, P.S. - Itarhi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 410 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- ITARHI District- Buxar

Pintu Chouhan @ Pintu Chauhan @ BRJESH CHAUHAN Son of Kameshwar Chauhan @ Kameshwar Chaudhary Resident of Village Bhelipur, P.S. Itarhi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8894 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- ITARHI District- Buxar

Chhotelal Chouhan Son Of Late Devraj Chouhan Resident Of Village- Bhelipur, P.S.- Itarhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72361 of 2021)

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Anita Kumari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 410 of 2022)

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Jagdher Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 8894 of 2022)

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with Itarhi P.S. Case No. 309 of 2021 lodged under Sections 20(b)(ii) (B), 22(b), 29 of the N.D.P.S. Act.

As per the prosecution case, the recovery of 3kg 150 gm of ganja was made from the possession of petitioner of first case, 2kg 50gm of ganja alleged to be recovered from the possession of petitioner of second case whereas no recovery of N.D.P.S. material(ganja) made from the petitioner of third case.

Learned counsel for the petitioners submit that antecedent of the petitioners are clean and petitioners of first and second case are in custody since 11.10.2021 whereas petitioner of third case is in custody since 10.01.2022 having one criminal case pending against him in which he is on bail. Charge sheet has already been filed in these cases. Learned counsel for the petitioners submit that the recovered quantity of ganja from petitioners of first and second case are lesser than the commercial quantity . They are ready to support in the trial

and ready to fulfill all the conditions whatsoever shall be imposed upon them. Learned counsel for the petitioners submit that name of the petitioner of third case has come in this case only due to the reason that he is the husband of petitioner of first case. Otherwise, nothing was recovered from his possession. On the point of his criminal antecedent, learned counsel for the petitioners submit that there is one case pending against him which is not N.D.P.S. Act in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that recovery of N.D.P.S. material(ganja) has been made from the possession of the accused but they are much less than the commercial quantity.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-cum-Special Judge, Buxar in connection with Itarhi P.S. Case No. 309 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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