

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12433 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- LADANIA District- Madhubani

INDRAJEET KUMAR RAM SON OF BECHAN RAM R/O VILLAGE-
HATHLETWA, P.S.- JAYNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Ladaniya P.S. Case No. 288 of 2021 corresponding to G.R. No.
35 of 2021 registered for the offences punishable under Sections
21/22 of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery
of 14 gram Brown Sugar below the seat of scooty and on
enquiry petitioner disclosed his name as Indrajeet Kumar Rai
(present petitioner) and he further disclosed that he purchased
the same from one Ramesh Kumar.

Learned counsel for the petitioner submits that



petitioner is in custody since 05.10.2021. Petitioner bears one criminal antecedent which is not of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that after perusal of F.I.R. it would be evident that the informant recovered 14 grams of Brown Sugar from the Scooty of the petitioner and at that time informant never followed the provision of Section 50 of the N.D.P.S. Act, 1985. The informant has never followed the provisions of Section 100 of Cr.P.C. at the time of preparing the seizure list. Informant has never taken signature of any independent witness on the seizure list. Petitioner has never committed any offence as alleged in the F.I.R. Petitioner is implicated in the present case due to overt-act of the informant. Learned counsel further submits that 14 gram brown-sugar was less quantity than the commercial quantity.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, arguments advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the



like amount each to the satisfaction of learned A.D.J. - 4th ,
Madhubani in connection with Ladaniya P.S. Case No. 288 of 2021,
G.R. No. 35 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or
sister or brother or wife or the person who has sworn the affidavit in
bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates without
appropriate permission would be a ground for cancellation of bail by
the learned Trial court itself.

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

(iv) If the petitioner is found involved in similar nature of
offences in future, the learned court below shall be at liberty to
cancel his bail bond.

(Alok Kumar Pandey, J)

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