

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14059 of 2022

Arising Out of PS. Case No.-919 Year-2021 Thana- FATUA District- Patna

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1. Pappu Kumar Son Of Chandeshwar Ray Resident Of Village- Mirampur, Police Station- Raghapur, District- Vaishali
 2. Bhushan Kumar Son Of Amod Ray @ Amod Kumar Resident Of Village- Mirampur, Police Station- Raghapur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Dhirendar Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Special Case no. 187 of 2021 arising out of Fatuha P.S.Case No. 919 of 2021 for the offences punishable under Sections 419, 420, 467, 468/34 of the Indian Penal Code and Section 22 of the NDPS Act.

As per the prosecution case, it is alleged that



police party on patrolling duty intercepted a Bolero and on search being made, 400 gm Ganja has been recovered. It is also alleged that seeing the police party, four person, who were sitting in the vehicle tried to flee away, but apprehended by the police.

It is submitted by the learned counsel for the petitioners that from the FIR, it is evident that the alleged recovery has been made from Bolero car standing on the road, but the same does not belong to the petitioners. It is further submitted that the alleged recovery comes within small quantity and as such the rigours of section 37 of the NDPS Act is not applicable and further there is violation of the provisions of section 100 of the Cr.P.C. It is next submitted that from the seizure list it is evident that the witnesses to the seizure are only police constables and no independent witness. It is next submitted that there is no compliance of mandatory provisions of NDPS Act. Moreover, the petitioners having fair antecedent are in custody since 27.11.2021



On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that they have been caught red handed with the alleged Ganja.

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged recovery has been made from a vehicle which does not belong to the petitioners and moreover, the alleged quantity of Ganja is admittedly below the commercial quantity and further the petitioners having fair antecedent are in custody since 27.11.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV in connection with Fatuha P.S.Case No. 919 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion



of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

N.K/-

(Harish Kumar, J.)

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