

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19973 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- DERNI BAZAR District- Saran

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JAI PRAKASH RAI Son of Kishore Rai, Resident of Village - Bariyaarpur,
P.S.- Bhaldi, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Niranjan Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Derni P.S. Case No. 03 of 2022 lodged under Sections 8, 20(b)
(ii)(C) and 29 of the NDPS Act.

The prosecution case is that upon 03.01.2022 on one
motorcycle, persons were coming, when police has stopped,
then the persons sitting on the motorcycle fled away but the
person who was driving caught and from his possession, total
20.400 kg. like Ganja was alleged to be recovered and thereafter
case under Sections 8/20(b)(ii)(c)/29 of NDPS was lodged.

Learned counsel for the petitioner submits that
petitioner is innocent and he has committed no offence. It is true
that motorcycle belongs to the petitioner but the packet does not

him. He further submits that petitioner has given lift to those persons but when police was instructed to stop motorcycle, the petitioner stopped his motorcycle but those persons who have taken lift from him, fled away by jumping from the motorcycle.

On the merit, learned counsel for the petitioner further submits that it is true that recovery of quantity of Ganja is a little high than the commercial quantity and therefore, it has covered under Section 37 of the NDPS Act to fulfill the conditions under Section 37 of the NDPS Act. He further submits that petitioner is ready to file an affidavit stating therein that he shall not involve in such types of activities or any offence relating to NDPS in future.

Learned counsel for the State opposes the prayer for bail and submits that there is a every likelihood that after bail the petitioner shall not support in the trial.

In the present facts and circumstances and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saran at Chapra in connection with Derni P.S. Case No. 03 of 2022, subject to the conditions as laid down under Section 437(3) of

Cr.P.C. and also one of the bailors shall be close relative of the petitioner.

The petitioner is directed to file an affidavit before the Court below at the time of furnishing the bail bonds that he shall not involve in such type of activities again and also appear before the Trial Court on each and every date, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond.

With this observations, the bail application is allowed.

(Dr. Anshuman, J.)

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