

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24493 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

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Sanoj Rai S/o Hulas Rai Resident of Village - Rampur (Mirampur), P.S. -
Raghopur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jainendra Kumar Pushkar, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
N.D.P.S. Case No. 13 of 2021 arising out of Chapra Rail P.S.
Case No. 47 of 2021 under sections 20, 22 of the Narcotics
Drugs and Psychotropic Substance Act.

The allegation in the FIR is that when the police
was on duty, found a passenger namely Anil Jha with 9.2 kg.
‘Ganja’. Upon enquiry, the said accused narrated that the
recovered ‘Ganja’ was handed over to him for supply to one
Doman Rai by the petitioner herein.



Learned counsel for the petitioner submits that the recovery has been attributed to the said accused Anil Jha and not this petitioner, for which he is languishing in jail since 29.12.2021 (as stated in para-11 of the bail application). He further submits that he does not have any criminal antecedent. He lastly submits that co-accused Anil Jha from whom the 'Ganja' was recovered has since been granted bail in Cr. Misc. No. 69718 of 2021 disposed of on 9.5.2022 by a coordinate bench of this Court. Let the same be kept on record.

Considering the aforesaid fact that the aforesaid recovery has been attributed to co-accused Anil Jha who has since been granted the privilege of bail by a coordinate bench of this Court, he is in custody since 29.12.2021 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail. However, if it is found that contrary to statement made in bail application he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-1, Saran at Chapra, in connection with N.D.P.S. Case No. 13 of 2021 subject to the following conditions:



(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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