

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25130 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Rajeev Kumar @RAJEEV Kumar Chaudhary, Son of Budhan Chaudhary
Resident of Village - Panapur Langa, P.s.- Sadar hajipur , Distt.- Vaishali.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Namrata Mishra, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2022 Heard Mrs. Namrata Mishra, learned counsel for the
petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Hajipur Sadar P.S. Case No.130/2022 instituted under
Sections 20,22,23,24,27 & 29 of the NDPS Act.

The allegation in the FIR is that the informant, a
police officer, upon information, raided the house of the
accused-petitioner herein. It is alleged that the petitioner tried to
flee but was apprehended and upon search in the '*Varandah*' it is
alleged 1.80 Grams of '*Ganja*' was recovered/seized and this
petitioner was taken into custody.

Learned counsel for the petitioner submits that a bare
perusal of the F.I.R. would show that the alleged



recovery/seizure has not been made from the person of the petitioner, rather the '*Varandah*' in the house which in no circumstances can be attributed to him. He further submits that the prescribed small quantity is 1 Kg. and just to exaggerate the same, allegation has been made that 1.80 Grams of '*Ganja*' has been recovered/seized. She further submits that for the said alleged act, he has suffered by being in custody since 21.02.2022 (as stated in para-13 of the bail application).

Taking into account the fact that the recovery/seizure is from the '*Varandah*' of the house and not from the person of the petitioner, is in custody since 21.02.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Hajipur Sadar P.S. Case No.130/2022 to the satisfaction of learned Chief Judicial Magistrate, Vaishali, subject to following conditions:

(i) one of the bailor should be the family member 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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