

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35930 of 2021

Arising Out of PS. Case No.-766 Year-2020 Thana- ALAMGANJ District- Patna

Raja Kumar Son of Santosh Kumar @ Santosh Yadav R/o - Chutkiya Bazar,
P.S. - Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Alamganj P.S.
Case No. 766 of 2020 (Spl. Case No. 171 of 2020) registered for
the offences punishable under Sections 411 and 414 of Indian
Penal Code and Section 20 and 22 of NDPS Act.

According to prosecution case, total 02 kg. Ganja have
been recovered from the possession of the co-accused Shashi
Kumar and Raja Kumar (petitioner).

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has



falsely been implicated in the present case. He further submits that as per seizure list all together 2 Kg. of Ganja has been recovered from the possession of the accused persons, 1 kg. From the possession of the petitioner. He further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. It appears that quantity of Ganja recovered from the petitioner is less than the commercial quantity, hence, there is no bar of this Court to grant of bail to the petitioner. It is further submitted that charge sheet has been submitted in this case. He further submits that similarly situated co-accused, namely, Shashi Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 07.02.2022 passed in Cr. Misc. No.32444 of 2021. The petitioner is in custody since 16.12.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII, Patna in connection with Alamganj P.S.



Case No. 766 of 2020 (Spl. Case No. 171 of 2020), subject to
the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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