

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26126 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

Rakesh Ram @ Rakesh Kumar, S/o Alagu Ram R/o village- Dewahaliya,
P.S.- Mohania, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2022 Heard 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 Ramgarh P.S. Case No.90 of 2022 instituted under Sections
8(C), 20 (b) (ii) c, 27(A) of the NDPS Act.

As per the allegation in the FIR, the police got
information about the selling of the ‘Ganja’ from the house of
Ram Prasad Ram. Upon the said information, the police party
went to the house of the said Ram Prasad Ram where two
persons tried to escape, were apprehended, the petitioner was
one of them. The other person was Ram Prasad Ram.
Subsequently, the house was searched and it is alleged that 72
Kg. of ‘Ganja’ was recovered/seized.



Learned counsel for the petitioner submits that only because he tried to escape after sighting the police party, the alleged recovery of 72 Kg. of 'Ganja' from the house of the Ram Prasad Ram cannot be attributed to him. He further submits that nothing has been recovered from his conscious possession and only because he tried to escape, has been implicated in this case on the basis of confessional statement of accused Ram Prasad Ram from whose house the alleged recovery has been made. He further submits that he has clean antecedent and is in custody since 17.03.2022 (as stated in para-14 of the bail application).

Considering the fact that the recovery/seizure has been made from the house of Ram Prasad Ram, the petitioner was apprehended from the spot but nothing has been recovered from his conscious possession, he do not have criminal antecedent, charge-sheet stands submitted and is in custody since 17.03.2022, this Court is inclined to grant him privilege of bail. However, if it is found that 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/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Ramgarh



P.S. Case No.90 of 2022 to the satisfaction of learned Sessions Judge-cum-Special Judge, Kaimur, 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 one year 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 /-

U		T	
---	--	---	--

