

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27097 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- RAHUI District- Nalanda

1. NITISH KUMAR Son of Umesh Prasad Resident of Village - Karu Bigha, P.s.- Meemchak, Bathani, Distt.- Gaya.
2. DEEPAK KUMAR Son of Jagat Paswan Resident of Village - Darveshi, P.s.- Daniyawan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2022 When the case was called out pass over was asked for.

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

The petitioners are in judicial custody in connection with Rahui (Bhaganbigha) P.S. Case No.97 of 2022 instituted under Sections 20(b)E,22 of the Narcotic Drugs & Psychotropic Substance Act, 1985.

As per the allegation in the FIR, the police intercepted a motorcycle and upon search 'Ganja' was recovered/seized. So far as this petitioner is concerned 1.5 Kg. 'Ganja' alleged to have been recovered.

Taking into account the fact that recovery is of 1.5 Kg. 'Ganja', the petitioner is in custody since 18.02.2022 (as



stated in para-14 of the bail application) and the petitioner has no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail shall become infructuous.

Let both the petitioners 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 Rahui (Bhaganbigha) P.S. Case No.97 of 2022 (N.D.P.S. Case No.12 of 2022) to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS, Nalanda at Biharsharif, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark their presence;

(iv) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

