

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28176 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- SAHODARA District- West Champaran

Nathuni Sah Son of Late Bharat Sah Resident of Village - Tulsi Barwa, Police
Station- Langari, District - Parsa (Nepal).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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

The petitioner is in judicial custody in connection
with Sahodra P.S. Case No. 94 of 2021 under section 414 of the
Indian Penal Code and Section 8/20(b),(ii)(b),8/20(b)(ii)(c) of
the NDPS Act.

The allegation in the FIR is that the police
intercepted the accused persons and it is alleged that 9.700 kgs.
of ‘Ganja’ was recovered/seized from them, as they failed to
provide any valid document, the same was recovered/seized and
the accused were taken into custody.

Learned counsel for the petitioner submits that



even going by the contents of the FIR the seized 'Ganja' does not come under the commercial quantity as per the NDPS Act. He further submits that a perusal of the FSL report would show that the description made by it attributes the same to be 'Bhaang' and not 'Ganja'. He says that even otherwise he has suffered by being in jail since 22.10.2021 (as stated in para-12 of the bail application).

It is lastly submitted by the learned counsel for the petitioner that one co-accused Lal Babu Das has been released on bail vide Cr. Misc. No. 18133 of 2022 on 26.7.2022.

Taking into account the fact that the petitioner is in custody since 22.10.2022, charge-sheet stands submitted and one similar placed co-accused namely Lal Babu Das has since been released on bail vide Cr. Misc. No. 18133 of 2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned 3rd Additional District & Sessions Judge, Bettiah, West Champaran, in connection with Trial No. 47 of 2021 arising out of Sahodara P.S. Case No. 94 of 2021 subject to the following conditions:

- (i) in view of the fact that the petitioner is a citizen of



Nepal, both the bailors should be Indian citizens, who shall provide official document like voter ID, Aadhar Card 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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