

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40792 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- DHANARUA District- Patna

Sachidanand Thakur @ Satish, S/o Rambachan Thakur, R/o Village- New Manichak, P.S.- Mashaurhi, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
		Mr. Rahul Rathour, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 22-08-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No.146 of 2020, arising out of Dhanarua P.S. Case No. 287 of 2020, registered for the alleged offences under Section 20 (b) (ii) (c) of N.D.P.S. Act.

As per the prosecution case, the police intercepted two motorcycles and on each of the motorcycle two persons were sitting keeping a sack in between them. One of the persons escaped from the spot and the police intercepted three of them



and from two sacks, total 60.153 K.G. of Ganja was recovered which was kept in 12 bundles of different weights. Two motorcycles were also seized apart from some mobile phones. The petitioner is one of the apprehended persons.

The learned counsel appearing on behalf of the petitioner submits that from the FIR, it is not clear who was carrying which of the sacks and it is also not clear from which motorcycle which sack was seized. It is also obvious that seizure list was prepared prior to time than the registration of the FIR still it contains the FIR number. It is also not clear how much quantity was taken out in a bundle for sample. No FSL report has been received till date. So even there is doubt over the nature of the material seized by the police. The petitioner is in custody since 05.10.2020 and charges have been framed in the case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the recovery has been made from the possession of the petitioner and it was not possible to find out which motorcycle the petitioner was riding or keeping the sack. The quantity of Ganja is more than the commercial quantity and the petitioner along with two co-accused persons were apprehended from the spot.



Perused the record.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there is no specific allegation against this petitioner regarding quantity of contraband recovered from his possession or the sack he was carrying and further considering the absence of FSL report on record till date and also considering the framing of charge and period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVI, Patna in connection with Special Case No. 146 of 2020 arising out of Dhanarua P.S. Case No. 287 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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