

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32759 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATI District- Sitamarhi

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ANGAD RAUT @ DHAMAN RAUT SON OF MISHRI RAUT RESIDENT
OF VILLAGE- SURSAND, WARD No.- 18, P.S.- SURSAND, DISTRICT-
SITAMARHI.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH SECRETARY, MINISTRY OF
HOME, NARCOTIC DRUGS CONTROL BUREAU, NEW DELHI GOVT.
OF INDIA
2. THE STATE OF BIHAR THROUGH DEPARTMENT OF NARCOTIC
DRUGS CONTROL BUREAU, PATNA BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17798 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATI District- Sitamarhi

=====

SANJAY SAH SON OF LATE NARAYAN SAH R/O VILLAGE-
SURSAND, P.S.- SURSAND, DISTRICT- SITMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 32759 of 2022)

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

For the Opposite Party/s : Mr. K.N. Singh, (A.S.G.)

(In CRIMINAL MISCELLANEOUS No. 17798 of 2022)

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

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2022

IN CR. MISC. NO. 32759 OF 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Bajpatti P.S. Case No.369 of 2021 registered for the offence under Sections 399, 402, 413 and 414 of the Indian Penal Code and Section 25(1-b)A, 26 and 35 of the Arms Act and Sections 8, 20, 20(b)(ii)(c) and 22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 28.12.2020.

The allegation against the petitioner is to have in possession of contraband i.e. 1 kg. of '*Charas*', while preparing for dacoity along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that recovery is disputed in the sense, as seizure list is missing the signature of this petitioner, clearly suggesting thereof that alleged contraband was not recovered from his conscious physical possession, who is a man of clean antecedent. It is further submitted that compliance of Sections 42 and 52 of NDPS Act were not made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with



the evidence.

Learned ASG appearing on behalf of the Union of India, while opposing the prayer of bail, submitted that recovery of contraband i.e. 1 kg. 'Charas' was made from this petitioner, where, Section 37 of the NDPS Act, puts a barrier.

In view of the submissions, as made above, as recovery of alleged contraband is more than commercial quantity, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within 06 (six) months from the date of receipt of a copy of this order.

Superintendent of Police, Sitamarhi, is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court, for expeditious disposal of trial, within specified time, as directed above.

IN CR. MISC. NO. 17798 OF 2022.

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.



Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bajpatti P.S. Case No.369 of 2021 registered for the offence under Sections 399, 402, 413 and 414 of the Indian Penal Code and Section 25(1-b)A, 26 and 35 of the Arms Act and Sections 8, 20, 20(b)(ii)(c) and 22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 28.12.2020.

The allegation against the petitioner is to involved in purchasing of stolen property from co-accused persons and also to involved in concealing the same.

Learned counsel appearing on behalf of the petitioner submitted that it was the disclosure made by co-accused persons, namely, Shiv Shanker Sahni and Kamal Ansari, the name of this petitioner appeared in present case. It is further submitted that the petitioner is running a shop of jewelery and as such, to have ornament of silver is very much natural. It is also submitted that alleged recovered silver ornament were not put on TIP. While concluding the argument, it is submitted that before present occurrence, the antecedent of this petitioner was clean, whereas, subsequently remanding in two more cases and



moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovered silver ornament were not put on TIP to connect this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bajpatti P.S. Case No.369 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS, Sitamarhi/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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