

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34861 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- SONPUR RAIL P.S. District- Saran

VISHWAJIT KUMAR S/O- Bindeshwar Das Resident of Village- Chandpura
Idarak, P.S. - Raghapur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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 Rail Sonapur (Hajipur) P.S. Case No. 14 of 2022 for the
offences under Sections 8, 20, 22(b) (I) (c) of the NDPS Act.

As per the prosecution story, the police, in course of
patrolling, intercepted the present petitioner and it is alleged that
from him total seven bundles of 1.K.G. each (7 K.G. ‘ganja’)
beside a mobile phone and Rs. 1254 as also some documents
were recovered/seized. Accordingly, the FIR came to be lodged
and he was taken into custody.

Learned counsel for the petitioner submits that the



alleged recovery of 'ganja' is 7 K.G. which is below the commercial quantity for which he has already suffered by being in custody since 22.01.2022 (as stated in paragraph-15 of the bail application) despite the fact that he has no criminal antecedent.

Taking into account the fact that the alleged recovery of 'ganja' is below the commercial quantity, he is in custody since 22.01.2022, charge sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, NDPS Saran at Chapra in connection with Rail Sonapur (Hajipur) P.S. Case No. 14 of 2022, subject to the 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 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)

Jagdish/Neha-

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

