

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36472 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- RAGHUNATHPUR District- Siwan

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MUNNA TIWARI @ TIWAI SON OF LATE TRIVENI TIWARI Resident of
village Sultanpur, P.S.- Raghunathpur, District- siwan

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Patel, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The case is registered under Sections 8/20(b)(ii)
(B)21(a) of NDPS Act in connection with Raghunathpur P.S.
Case No. 50 of 2022.

As per the prosecution story, the allegation is that
upon information, the ‘bathan’ of the petitioner was raided and
17 gram ‘smack’ and 2.775 kg ‘Ganja’ kept in a polythene.

Counsel for the petitioner submits that the recovery is
from the open place and thus cannot be attributed to him. In the
backdrop of the fact that he do not have any criminal
antecedent. His further submission is that in any case the



recovery is much lesser than the commercial quantity envisaged under NDPS Act. His last submission is that the petitioner is in custody since 13.3.2022.

Mr. Jitendra Kumar Singh, learned APP opposes the prayer for bail. However, he too submits that the material seized is below the commercial quantity.

Considering the fact that the petitioner is in custody since 13.3.2022, charge-sheet stands submitted and the Ganja/Smack seized is below the commercial quantity, this Court is inclined to grant him the privilege of bail after framing of charges subject to payment of Rs. 10,000/- to the Bihar State legal Services Authority, Patna. However if it is found, he do have criminal antecedent, this bail order shall become infructuous.

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 Sessions Judge cum Special Judge, Siwan in connection with Raghunathpur P.S. Case No. 50 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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)

Ravi/Ajay Singh

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