

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36261 of 2022

Arising Out of PS. Case No.-458 Year-2021 Thana- RAXAUL District- East Champaran

Sanjay Pandit Son Of Mahanth Pandit R/O- Vill-Pachbhiriya, P.S.-
Ramgarhwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36412 of 2022

Arising Out of PS. Case No.-458 Year-2021 Thana- RAXAUL District- East Champaran

Arun Yadav Son Of Rameshwar Yadav Resident of Village-Pachbhiriya, P.S.-
Ramgarhwa, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36261 of 2022)

For the Petitioner/s : Mr. Dhanendra Chaubey, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 36412 of 2022)

For the Petitioner/s : Mr. Dhanendra Chaubey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
N.D.P.S. Case No.- 114 of 2021 arising out of Raxaul (Haraiya

O.P.) P.S. Case No. 458 of 2021 lodged under Sections 20(b) II(b)/23/27/27A of the Narcotics Drugs and Psychotropic Substance Act read with Section 414 of the I.P.C.

Learned counsel for the petitioners submit that the petitioners of both the cases are innocent and has committed no offence. It has been further submitted that when both the petitioners were moving by motorcycle then they were apprehended by the police and upon search, a plastic bag has been recovered. Thereafter, it was weighed in the shop and it was found that total 21 gm N.D.P.S. material has been recovered. Learned counsel for the petitioners further submit that antecedents of the petitioners are clean and they are in custody since 24.11.2021. Learned counsel further submits that the alleged quantity recovered from the possession of the petitioner is much more less than the commercial quantity.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Cum-Special Judge, East Champaran at Motihari in connection

with N.D.P.S. Case No.- 114 of 2021 arising out of Raxaul (Haraiya O.P.) P.S. Case No. 458 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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