

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36820 of 2022**

Arising Out of PS. Case No.-241 Year-2022 Thana- SITAMARHI District- Sitamarhi

RIPU KUMAR @ RISHI KUMAR Son of Gagandeo Rai Resident of village
- Bariyarpur, Ward No.- 02, P.S. - Sitamarhi, District - Sitamarhi, Pin Code -
843302 (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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)
of the Narcotic Drug and Psychotropic Substances Act, in
connection with Sitamarhi P.S. Case No. 241 of 2022.

As per the prosecution story, on information that
the petitioner herein is selling ‘Ganja’ from a ‘Gumti’, the police
raided the said kiosk and upon search 55 small pouches
weighing 100 grams of ‘Ganja’ like substance and 34 pieces of
Nitza-care-10 tablets were recovered. Accordingly, seizure list
was prepared and the FIR instituted and in this way, the



petitioner is in judicial custody since 10.4.2022 (as stated in para-18 of the bail application).

Mr. Uday Kumar, learned counsel for the petitioner submits that the said seizure has been made from a 'Gumti' placed at open place and as such in no way it can be attributed to him as also one of the independence witness namely Gagandeo Rai who was signed as an independent witness in the seizure list has made an affidavit that although there is/was no recovery/seizure, he was forced to sign on a blank paper by the police.

Considering all the facts including the fact that charge-sheet stands submitted and the recovery is of 100 grams as also 34 tablets of Nitza-care tablets, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special, Sitamarhi, in connection with Sitamarhi P.S. Case No. 241 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) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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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