

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40367 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- SHERGHATI District- Gaya

Vikash Bahadur Singh Son Of Ramadhar Singh R/O Village- Amaura, P.S.-
Dildarnagar, District- Gajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41369 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- SHERGHATI District- Gaya

Pravesh Kumar Dangi Son of Rahdeo Mahto Resident of village - Daihar,
P.S.- Chauparan, District - Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 42040 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- SHERGHATI District- Gaya

Dharmendra Singh @ Dharmendra Singh Yadav Son of Lakshman @
Lakshman Singh Yadav Resident of village - Jeepur, P.S.- Jamania, District -
Ghazipur (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50514 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- SHERGHATI District- Gaya

Basant Kumar Son Of Meghan Prajapati R/O Village- Daihar, P.S.-
Chauparan, District- Hazaribagh (jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40367 of 2022)

For the Petitioner/s : Mr. Rina Sinha, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 41369 of 2022)

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 42040 of 2022)

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 50514 of 2022)

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsels 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. 06 of 2021 arising out of Sherghati (Dobhi)
P.S. Case No. 386 of 2022 lodged under Sections 20(ii)(c)/22(c)
of the N.D.P.S. Act, 1985.

As per the prosecution case, 5 persons were arrested
upon chase by the police on NH-2 and from the seizure list, it
transpires that N.D.P.S. material has been recovered from the
pocket of accused Dharmendra Singh @ Dharmendra Singh
Yadav and with other accused persons, mobile, money and other
materials are recovered but not the N.D.P.S. material.

Learned counsel for the petitioners submit that the
antecedents of all the petitioners are clean and they are in

custody since 22.05.2022. All were apprehended from the place of occurrence. Counsel for petitioner Dharmendra Singh @ Dharmendra Singh Yadav submits that it is true that recovery of N.D.P.S. material 135 gm has been made from his possession but the said quantity is in between small quantity and commercial quantity. They also submits that they are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court.

Learned counsel put emphasis on this point that at the time of preparation of a seizure list, there are gross violation of Section 100(2) of Cr.P.C. have been made as well as compliance of Section 50 of the N.D.P.S. has also not been made.

Learned counsel for the State vehemently opposes the prayer for bail and submits that though recovery has been made from the possession of only one accused person but it has come in the F.I.R. that all were sitting on the same vehicle and when police has stopped them, then they have opened the door and started fleeing away from the place of occurrence and police has arrested them on chase.

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 Sessions Judge-cum-Spl. Judge,

N.D.P.S., Gaya in connection with Sherghati (Dobhi) P.S. Case No. 386 of 2022, 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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