

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52602 of 2021

Arising Out of PS. Case No.-201 Year-2021 Thana- SONBERSA District- Sitamarhi

Saroj Kumar @ Saroj Kumar Sah Son Of Ram Bachan Sah R/O Village-
Malangwa Ward No.-08, P.S.- Malangwa, District- Sarlahi (NEPAL)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 201 of 2021 registered under Sections 8/20(b)(ii) (B)/21(a) of the N.D.P.S. Act which was registered on 13.07.2021.

As per the prosecution story, the SSB officials on confidential information intercepted four persons who were coming with two bags and two buckets. However, two of them managed to escape while leaving the materials at the place of occurrence whereas the informant was able to nab the other two accuseds which included the petitioner herein. Upon search of the two bags and two buckets, which all the four accused persons were carrying altogether 17.400 k.g. of ‘ganja’ and 149



bottles of cough syrup were recovered as also Nepali currency and mobile which were seized and two accused persons were arrested. In this way, the present petitioner came into judicial custody on 14.07.2021 (as stated in paragraph-14 of the bail application).

Learned counsel for the petitioner submits that despite the fact that in the FIR, the informant alleges that about four persons carrying the two bags and two buckets with further statement that two of them were able to escape the place after throwing their materials, surprisingly, save and except the petitioner and another accused, who were apprehended; they failed to even lodge the FIR against the two unknown persons and as such, despite he being a victim of circumstances was implicated in this case.

Considering the fact that the charge-sheet stands submitted and there is no question of tampering with the evidence and the petitioner is in judicial custody since 14.07.202, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned



Sessions Judge cum Special Judge, NDPS Act, Sitamarhi in connection with Sonbarsa P.S. Case No. 201 of 2021, 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.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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