

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53966 of 2021

Arising Out of PS. Case No.-320 Year-2021 Thana- BHORE District- Gopalganj

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Guddu Kumar Mishra, Son of Late Peskar Mishra, R/o Village- Khajuraha,
P.S.- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 54912 of 2021

Arising Out of PS. Case No.-320 Year-2021 Thana- BHORE District- Gopalganj

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Shyam Sundar Ram @ Shyam Sunder Kumar, Son of Late Fagu Ram, R/O
Village- Jorawar Chappar (Zorawarpur), P.S.- Bhorey, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 53966 of 2021)

For the Petitioner/s : Mr. Akshay Ashish, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 54912 of 2021)

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-08-2022 Both the bail applications arise out of the same police station case, they have been heard together and are being disposed of by this common order.

Learned counsel for the petitioners are permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.



Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Bhorey P.S. Case No. 320 of 2021 registered for the offences punishable under Sections 8(c), 20(B), 18, 22, 23 and 27 of the N.D.P.S. Act.

As per prosecution case, it is alleged that the police on a secret information that some persons are engaged in selling illicit liquor, raided the place of occurrence and apprehended the petitioners and others. On search, 1.60 gm of smack like substance was recovered from the pocket of petitioner Guddu Kumar Mishra and 1.20 gm of smack like substance was recovered from the pocket of petitioner Shyam Sundra Ram.

It is submitted by the learned counsel appearing on behalf of the petitioners that nothing has been recovered from the possession of the petitioners, rather the recovery has been made from another place and on account of altercation, which took place between the petitioners and the police personnel, their name have been implicated in this case. It is further submitted that the alleged recovered smack like substance is below the small quantity, for which maximum punishment is prescribed for one year, moreover the petitioners are in custody



since 26.07.2021, having fair antecedent, apart from the infirmities in the preparation of seizure list.

On the other hand learned APP for the State vehemently opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovered smack like substance is below the small quantity and the petitioners are in custody since 26.07.2021, having fair antecedent, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj in connection with Bhorey P.S. Case No.320 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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