

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50536 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- BARABAR TOURIST District-
Jehanabad

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SRI RAM SINGH @ SRI RAM MAHTO Son of Panchu Mahato @ Ram
Briksha singh Resident of village - Dharaut, P.S. Barabar Paryatan Vishnuganj
O.P., District - Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP who represents the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with NDPS Case No. 15 of 2021 arising out of Barabar Prayatan
(Vishunganj O.P.) P.S. Case No. 105 of 2021 for the offences
under Sections 8(b), 20(a)(i) of the NDPS Act.

As per the FIR, the police upon information
proceeded for the settling the land dispute when it came to their
knowledge that some villagers are engaged in cultivating
cannabis plants and in course of search in several courtyard of
the house, the said plants were recovered/seized, one of the



them belonged to the petitioner herein. Accordingly, seizure list prepared and he was taken into custody and is in jail since 26.7.2022.

Learned counsel for the petitioner submits that a bare perusal of the seizure list would show that 5 cannabis plants were allegedly seized from the vacant land of the petitioner. The said statement is quite vague inasmuch as, it does not show what is the quantity of the 'Ganja' and as such there is complete non-compliance of different sections of NDPS Act. Further there is no independent witness inasmuch as the police personnels have signed the seizure list. The petitioner is a poor farmer and only bread earner of the family and his long incarceration in the jail is affecting his family members.

The last submission is that one of the co-accused namely, Shyam Kishor Singh has since been released on anticipatory bail vide Cr. Misc. No. 27998 of 2022 on 22.9.2022. Let the same be kept on record.

In the aforesaid facts and circumstances mentioned above as also that charge-sheet stands submitted, he is in custody since 26.7.2022 (as stated in para-12 of the bail application) and one of the co-accused has since been released on anticipatory bail as also that he has no criminal history, this



Court is inclined to grant him privilege of bail. If however, if it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Jehanabad, in connection with NDPS Case No. 15 of 2021 arising out of Barabar Prayatan (Vishunganj O.P.) P.S. Case No. 105 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 reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash/Ajay-

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