

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69584 of 2021**

Arising Out of PS. Case No.-133 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

Rinku Jaiswal @ Bhantu, Son of Late Ramesh Jaiswal Resident of Village-
Biuri, P.S.- Chand, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2022 Heard Mrs. Vaishnavi Singh learned counsel for the
petitioner and Mr. Jitendra Kumar Singh learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Chand P.S. Case No.133 of 2021 instituted under Sections 8(c), 20(b)
(ii)(B),22 of the N.D.P.S. Act, 1985.

As per the FIR, the police upon confidential information
that accused Chandan Jaiswal is dealing with the illegal sale of
'Ganja' which is being run from his poultry farm, after making
necessary entry left for the place where it saw a crowd with an
apprehended person, the petitioner herein. In his presence, the
poultry farm was searched from where altogether 3.800 kg of 'Ganja'
was recovered/seized. The further allegation in the FIR is that the
police interrogated the petitioner herein, who named Chandan
Jaiswal to the person who brings 'Ganja' from Uttar Pradesh keeps



it in the poultry farm for the purpose of being sold. Since Chandan Jaiswal has already escaped from the place of occurrence, the petitioner herein was arrested, seizure list prepared and the FIR was instituted.

Learned counsel for the petitioner submits that he neither owns the poultry farm nor had anything to do with the business of Chandan Jaiswal, rather he had come there only to meet him but was apprehended. She further submits that nothing was recovered from the possession of the petitioner and alleged seizure has also been shown to be from the eastern wall of the poultry farm. It has further been submitted that the said confession before the police has no meaning. She lastly submits that he is in jail since 05.08.2021.

Considering the aforesaid facts that nothing has been recovered from the conscious possession of the petitioner, the poultry farm belongs to the accused Chandan Jaiswal who is alleged to have been running the business of '*Ganja*', charge sheet stands submitted and is in jail since 05.08.2021 (as stated in para-17 of the bail application), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.50,000/-(Fifty Thousand) with two sureties of the like amount each in connection with Chand P.S. Case No.133 of 2021 to the satisfaction of learned Sessions Judge-cum-Special Judge, Kaimur at Bhabhua, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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