

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69961 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- MEHANDIA District- Jehanabad

Kamakhya Giri, Son of Late Indradeo Giri, Resident of Village - Shankarpur,
P.s.- Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mahendiya P.S. Case No. 160 of 2020
registered for the alleged offences under Sections 8, 20(b)(ii)
(C), 25 and 29 of the NDPS Act.

As per prosecution case, police received secret
information about co-accused selling *ganja* from his betel shop.
A raid was conducted and from the possession of the co-accused
200gms of *ganja* was recovered and from another co-accused
300gms *ganja* was also recovered. Both the co-accused persons
named the petitioner who had been supplying ganja to them.



When the police went to raid the house of the petitioner, it was found that on the same day another raid was conducted in the house by police personnel of another police station and the petitioner was arrested with some contraband and a separate case was lodged. The petitioner was remanded in this case from the other case in which contraband was seized.

The learned counsel for the petitioner submits that except for confessional statement of the co-accused persons, nothing has come on record against this petitioner. No recovery of any incriminating material has been made from this petitioner. The petitioner is in custody since 12.12.2020 after he was remanded from another case and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in criminal cases.

Perused the records.

Having regard to the facts and circumstances and the submissions made on behalf of the parties and considering the fact that the no recovery has been shown from this petitioner and further considering his period of custody and the submission of charge-sheet, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st, Jehanabad in connection with Mahendiya P.S. Case No. 160 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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