

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.383 of 2022

Arising Out of PS. Case No.-549 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAJU KUMAR S/o Bullu Das R/o Village- Motipur, P.S.- Tajpur, Dist.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 779 of 2022

Arising Out of PS. Case No.-549 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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VIRENDRA KUMAR Son of Sajjan Das Resident of Village - Rainni, P.S.-
Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 383 of 2022)

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Brajendra Nath Pandey

(In CRIMINAL MISCELLANEOUS No. 779 of 2022)

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-07-2022 Learned counsel for the petitioners has filed
supplementary affidavit, let it be kept on record.

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

Heard learned counsel for the petitioners and learned
A.P.P. for the State.



The petitioners seek bail in connection with Muzaffarpur (Sadar) P.S. Case No. 549/2021 registered for the offences punishable under Sections 8 (C)/ 20 of the N.D.P.S. Act, 1985.

As per prosecution case, the police intercepted a Bolero vehicle. On search, 150 gms of Ganja was recovered near the gear of the vehicle and the person who was driving the car disclosed his name as petitioner, Raju Kumar and another person who was sitting beside the driver disclosed his name as petitioner, Birendra Kumar. The other co-accused, Md. Ibran and Md Ujale were also sitting in that vehicle. As per seizure list 150 gms of Ganja was recovered from the joint possession of petitioners.

Learned counsel appearing for the petitioner, Raju Kumar submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was apprehended on the spot. The petitioner was driver of the said vehicle and has no concern with seized ganja and vehicle in question. The alleged recovery of ganga is less than small quantity. The petitioner is languishing in custody since 13.08.2021 and bears criminal antecedent of four cases of Excise Act but he has not any case of N.D.P.S. Act. Charge sheet has been submitted in this case and



there is no likelihood of tampering with the prosecution evidence. Co-accused, Md.Ibran and Md. Ujale on similar accusation have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.72531/2021.

Learned counsel appearing for the petitioner, Virendra Kumar submits that petitioner is innocent and has falsely been implicated in this case due to village politics. The alleged recovery of ganja is less than small quantity. The petitioner is neither owner of the said vehicle nor concern with the seized ganja. No incriminating articles has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is languishing in custody since 13.08.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Md.Ibran and Md. Ujale on similar accusation have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.72531/2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, material available on record, period of custody, charge sheet has already been submitted in this case and there is no likelihood of



tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 114/2021 arising out of Muzaffarpur (Sadar) P.S. Case No. 549/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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