

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65904 of 2022

Arising Out of PS. Case No.-372 Year-2022 Thana- DUMRAO District- Buxar

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Hanuman @ Sunny Roy @ Sanni Rai, S/o Vishnu Dayal Roy @ Bishnu
Dayal Rai R/o Dumraon, P.S.- Dumraon, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner is in judicial custody at Central Jail, Buxar and his leg got fractured and was operated at Patna Medical College and Hospital and now, the petitioner is unable to discharge even call of nature without any attendant.

Heard learned counsel for the petitioner and learned A.P.P. for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Dumraon (Naya Bhojpur) P.S. Case No. 372 of 2022 registered for the alleged offences under Sections 20 and 22 of the NDPS Act.

As per prosecution case, on secret information, the police apprehended two co-accused persons and from their



possession, total 15 Kg of *Ganja* was recovered. They disclosed the name of the petitioner as the person to whom they used to supply the *Ganja* on regular basis.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the possession of the petitioner and from the FIR, it is clear that the recovery of *Ganja* has been made from the two co-accused persons and not from this petitioner. The learned counsel further submits that the police in highhandedness has named this petitioner in this case without any material against him. In fact, prior to the said occurrence, the petitioner has filed an informatory petition bearing no. 2278 of 2022 stating therein that the local police was trying to implicate and arrest him in heinous crime and, thereafter, this FIR has been lodged on 24.08.2022. The petitioner runs a Studio and he has no concern with the other co-accused persons. The petitioner is in custody since 25.08.2022 and is having clean antecedent. The charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from



this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, the petitioner 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 District Judge-cum-Special Judge, N.D.P.S. Act, Buxar, in connection with Dumraon (Naya Bhojpur) P.S. Case No. 372 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

