

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1455 of 2023

Arising Out of PS. Case No.-895 Year-2022 Thana- ARA NAWADA District- Bhojpur

SHIVSHANKAR CHOUDHARY Son of Late Ramchandra Choudhary
Resident of village- Keshopur, P.S.- Udwananagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2451 of 2023

Arising Out of PS. Case No.-895 Year-2022 Thana- ARA NAWADA District- Bhojpur

DHAN BIHARI OJHA S/o Sidh Nath Ojha Resident Of Village- Chotka
Singhanpura, P.S.- Simri, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1455 of 2023)

For the Petitioner/s : Mr.Abhay Kumar Upadhyay, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 2451 of 2023)

For the Petitioner/s : Mr.Dwivedy Surendra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in connection with Ara
Nawada P.S. Case No. 895 of 2022 dated 11.10.2022 registered
for the offence under Sections 18B and 20(B)(1) of the N.D.P.S.
Act.

Altogether 1000 grams of Ganja, 500 gram each from



the possession of both the petitioners alleged to have been recovered.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. itself that altogether 1000 grams of Ganja, 500 gram each from the possession of both the petitioners alleged to have been recovered. He further submits that the recovered contraband is less than the commercial quantity, therefore, there is no embargo of Section 37 of the N.D.P.C. Act for grant of bail to the petitioners. He further submits that there is non compliance of Section 50 of the N.D.P.S. Act. The petitioners are rotting in judicial custody since 11.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the F.S.L. report confirms that the recovered contraband substance is Ganja and the same has been recovered from the possession of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 895 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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