

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10114 of 2023

Arising Out of PS. Case No.-726 Year-2022 Thana- BAGHA District- West Champaran

RAJESH SAH @ RAJESH KHATIK Son of Shyam Bihari Sah @ Shyam Bihari Khatik R/v- Nibiyahwa, Madhubani, Ward No. 7, P.S.- Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8, 20(b)(II) (c) of the NDPS Act.

3. As per prosecution case, it is alleged that on seeing police party some accused persons were trying to flee after throwing sacks. On chase, two of them were apprehended. It is also alleged that altogether 60.7 kg of ganja like substance was recovered from five sacks.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is said that there were five



accused persons at the time of occurrence but only two of them including the petitioner were apprehended and recovered total 60.7 kg of ganja. It is presumed that the petitioner was carrying one of the sacks, at best he was carrying maximum 15.4 kg ganja which is less than commercial quantity. No recovery has been made from conscious possession of the petitioner as he was apprehended after chase. Similarly situated co-accused Motilal Chauhan who was apprehended with the petitioner, was already enlarged on bail vide order dt. 4.5.2023 passed in Cr. Misc. No. 10683 of 2023. The petitioner has got no criminal antecedent and languishing in judicial custody since 23.10.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Bagha P.S. Case No. 726 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West Champaran at Bettiah subject to following conditions:-

(i) the petitioner shall co-operate in the trial and shall



be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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