

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11625 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- RAXAUL District- East Champaran

SONU KUMAR SON OF DEVENDRA MAHTO R/O VILLAGE-
BANGARI, POST- MARWAN, P.S.- KANTI, DISTRICT- MUZAFFARPUR
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with N.D.P.S. Case No.53 of 2022 arising out of Raxaul P.S. Case No.310 of 2022 instituted under Sections 20(b)(ii)(B) of the N.D.P.S. Act lodged on 02.07.2022 by the informant Sanjeev Kumar.

As per the FIR, informant got information that one person with suspicious articles coming in India from India-Nepal Border. Informant along with some police personnel went there and started watching. At about 04:35 PM a person along with a bag, tried to cross India border. He was stopped and during searched, 1 Kg 900 Grams Ganja containing in a bag was found. He disclosed his name as Sonu Kumar. The accused was arrested and in presence of independent witnesses seizure list



was prepared. Accordingly the FIR.

It has been contended by the learned counsel for the petitioner that the recovery is of Ganja is 1.9 kg which is below the commercial quantity, he has already suffered despite not having criminal antecedents.

Considering the aforesaid facts that he is in custody since 03.07.2022 (as stated in para-18 of the petition) and do not have criminal antecedent and the amount recovered/seized is below the commercial quantity, this Court is inclined to grant him privilege of bail. If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Raxaul P.S. Case No.310 of 2022 to the satisfaction of learned Additional District & Sessions Judge-Vth, Motihari, East Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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