

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10979 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- MURLIGANJ District- Madhepura

ROHIT KUMAR S/o Dilip Kumar Mahto R/o Village- Baijnathpur, Ward no. 2, O.P. Baijnathpur, P.S.- Sour Bazar, Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-05-2023

Heard the parties.

The petitioner is an accused in connection with Murliganj P.S. Case No. 165 of 2022 registered for the offences under sections 18, 20 and 22 of the N.D.P.S. Act lodged on 08.04.2022 by the informant, Rajkishore Mandal.

The prosecution story, in brief, is that the informant S.1. Raj Kishore Mandal SHO of Murliganj P.S. district-Madhepura recorded his self statement on 08.04.2022 at about 7.30 Hours at Murliganj) PS. Campus, District-Madhepura alleging that on 08.04.2022 at about 00.30 Hours while the informant along with the other police armed force were on patrolling duty, they got secret information that one motorcycle rider along with two persons are coming on a motorcycle with 'ganja' from Murliganj Chowk. On such information, the informant informed to the Circle Officer, Murliganj and proceeded to Murliganj.



The informant further alleged that at 4:30 hours when the informant they reached found motorcycle riders who after seeing the police vehicle tried to flee away. However, with the help of the police party both the persons were apprehended who disclosed their names as Rohit Kumar and Md. Haider.

The informant further alleged that in the presence of the Circle Officer, Murliganj and witnesses recovered a bag from the possession of Rohit Kumar in which total 750 gm '*ganja*' was recovered whereas from the physical possession of apprehended another accused Md. Haider, one bag along with 800 gm '*ganja*' was recovered/seized. Thereafter, informant prepared a seizure list and also seized the splendor motorcycle without registration number and after obtaining the signatures of the seizure list witnesses registered a case U/s-18/20/22 of the N.D.PS. Act against the petitioner and another accused person. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that the recovery is 750 gm '*ganja*' and further the other person Md. Haider from whom 800 gm of '*ganja*' was recovered/seized, has since been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 74249 of 2022 on 22.03.2023.



Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that recovery is of 750 gm 'ganja', the petitioner is in custody since 08.04.2022 (as stated in paragraph-8 of the bail application) and similar situated co-accused Md. Haider has since been released on bail, as stated above, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge -1st Cum Special Judge (N.D.P.S. Act), Madhepura in connection with Murliganj P.S. Case No. 165 of 2022 , subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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