

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12587 of 2023

Arising Out of PS. Case No.-413 Year-2022 Thana- PARBATTI District- Khagaria

1. NITISH KUMAR Son of Siya Ram Shah R/v- Hira Tol, P.S.- Sahebpur Kamal, District- Begusarai
2. AMLESH KUMAR YADAV @ AMLESH KUMAR Son of Ram Pravesh Yadav @ Ram Pravesh Ray R/v- Hira Tol, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Special Case No. 35 of 2022 arising out of Parbatta (Maraiya) P.S. Case No. 413 of 2022 registered for the offence under Sections 20(b)(ii)(a) of the N.D.P.S. Act.

Recovery is of 330 gram of Ganja.

Learned counsel appearing for the petitioner submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that from bare perusal of the F.I.R. and the seizure list, altogether 330 gram of Ganja along with one



looted Honda motorcycle is said to have been recovered from the possession of the petitioners. He further submits that the motorcycle in question belongs to the father-in-law of the petitioner No.1 and the same is not the looted article. He further submits that the alleged recovery of Ganja does not come under the purview of commercial quantity as it amounts to less than the small quantity. Therefore, there is no bar for this Court to grant bail to the petitioners. The petitioners are rotting in judicial custody since 24.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Additional Sessions Judge-5th -cum- Special Judge, NDPS, Khagaria in connection with Special Case No. 35 of 2022 (NDPS Case No. 35 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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