

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13778 of 2023

Arising Out of PS. Case No.-96 Year-2022 Thana- BAISI District- Purnia

1. Paresh Bishwas Son Of Rabi Bishwas R/O 01, Jangal Block, P.S.- Urang, District- Udalguri (Assam)
2. Subhash Ray Son Of Late Nimai Roy R/O 01, Jangal Block, P.S.- Urang, District- Udalguri (Assam)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 12.03.2022 in connection with Special Case No.18 of 2022 arising out of Baisi P.S. Case No.96 of 2022, F.I.R. dated 12.03.2022 for the offences punishable under Sections 8, 20(b) (ii)(c) of the N.D.P.S. Act.

Recovery is of total 7.5 Kg. Ganja from the possession of petitioner no.1 namely, Paresh Bishwas and 7.456 Kg. Ganja from the possession of the petitioner no.2 namely, Subhash Ray.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 7.5 Kg. Ganja has been recovered from the possession of petitioner no.1 namely, Paresh Bishwas and 7.456 Kg. Ganja has been from the possession of the petitioner no.2 namely, Subhash Ray and 17.502 Kg. Ganja has been recovered from the co-accused namely, Haribal Singh. He further submits that there is non-compliance of the mandatory provision of Sections 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. He further submits that similarly situated co-accused namely, Haribal Singh against whom the 17.502 Kg. Ganja has been recovered has been granted bail by this Hon'ble Court vide order dated 15.05.2023 passed in Cr. Misc. No.10023 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 12.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that the recovered contraband is more than the small quantity and F.S.L. report also confirmed that the recovered contraband is Ganja.



Considering the aforesaid facts and circumstances, period of custody, recovered contraband is less than the commercial quantity and similarly situated co-accused person has been granted bail, let the petitioners, above named, 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 the learned Special Judge, N.D.P.S. Act, Purnea in connection with Baisi P.S. Case No. 96 of 2022, subject to 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 cancelled 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.

3. 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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