

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15331 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

RAVI KUMAR S/O PRAMOD KUMAR PODDAR Resident of Ishakchak, at present Mohalla- Raghushah Lane, Mohaddinagar, Mirjan Hatt, P.S.- Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-08-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for the petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 30.10.2022, in connection with Industrial Area P.S. Case No. 215 of 2022 (N.D.P.S. Case No. 126 of 2022) BRBG01011556/2022, F.I.R. dated 29.10.2022 registered for the offences punishable under Sections 20 (b)(ii)(c)/22 of Narcotic Drugs and Psychotropic Substances Act.

3. Recovery is of 14 Kg. of *Ganja* from the possession of the petitioner.

4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it



appears from the F.I.R. as well as seizure list that altogether 14 Kg. of *Ganja* has been recovered from the possession of the petitioner, 13 Kg. of *Ganja* has been recovered from the possession of co-accused Purshotam Kumar, 6 Kg. of *Ganja* has been recovered from the possession of co-accused Ram Balak Sharma @ Rahul Sharma, 13 Kg. of *Ganja* has been recovered from the possession of co-accused Saurabh Kumar, 06 Kg. of *Ganja* has been recovered from the possession of co-accused Vishnu Kumar, 16 Kg. of *Ganja* has been recovered from the possession of co-accused Chandan Kumar. He further submits that upon disclosure made by co-accused, 44 Kg. of *Ganja* was also recovered from the welding machine. He further submits that only 14 Kg. of *Ganja* has been recovered from the possession of the petitioner and the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that similarly situated co-accused person namely Ram Balak Sharma @ Rahul Sharma from whom 06 Kg. of *Ganja* has been recovered has been granted bail by a Coordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 14527 of 2023, another co-accused person namely Vishnu Kumar has been granted bail by



a Coordinate Bench of this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 17648 of 2023, another co-accused person namely Md. Abdul Sattar has been granted bail by a Coordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 22031 of 2023, another co-accused person namely Pursottam Kuamr has been granted bail by a Coordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No. 33567 of 2023, another co-accused person namely Saurav Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No. 35351 of 2023 respectively. Further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.10.2022.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is Ganja but fairly submits that the recovered Ganja is less than the commercial quantity.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur, in connection with Industrial Area P.S. Case No. 215 of 2022 (N.D.P.S. Case No. 126 of 2022) BRBG01011556/2022, with the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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