

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15828 of 2023

Arising Out of PS. Case No.-657 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

JITENDRA KUMAR S/o Late Ram Vilash Kunvar @ Ram Vilash Kunvar
Resident of village-Garhara, ward no. 08, behind kali Asthan, P.S.-Barauni,
District-Begusarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Town P.S. Case No. 657 of 2022 under sections 8 (C) of NDPS Act lodged on 28.10.2022 by the informant Rajesh Kumar Ray.

The prosecution story, in brief, is that on 28.10.2022, one Rahul Kumar, arrived at the jail gate for the purpose of meeting under trial prisoner, Jitendra Kumar (an accused in Barauni P.S.Case No. 452 of 2020). Rahul Kumar had brought eatables kept in a bag which has to be provided to Jitendra Kumar during course of search on the jail gate on the basis of suspicion stitching of the bag was opened by the security guards posted at the jail gate. It was found that in the bag 'ganja' was seized inside the stitching of the bag and thereafter the security guard apprehended that person and after that the under trial



prisoner was interrogated and he has accepted that he has brought the said articles. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that as per the seizure list, weight of the 'ganja' recovered/seized has been marked as 'one nug' which according to him is much below the quantity that has been envisaged under the NDPS Act.

Learned APP opposes the prayer for anticipatory bail.

Taking into account the quantity of the 'ganja' recovered/seized, this Court is inclined to extend him the privilege of anticipatory bail with condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Begusarai, in connection with Town P.S. Case No. 657 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. along with the other 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his 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 his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

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