

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19394 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- DERNI BAZAR District- Saran

1. Munna Kumar S/O-Suresh Ray @ Suresh Rai Village- Nawada Bedwalia
Ps- Derni Dist- Saran
2. Raju Kumar Son of Suresh Ray @ Suresh Rai Village- Nawada Bedwalia
Ps- Derni Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Derni P.S. Case No. 13 of 2023 registered on 23.01.2023 for the alleged offences under Sections 8, 20, 22(b) and 29 of N.D.P.S. Act.

3. As per prosecution case, recovery of 1 kg of *ganja* has been made from the motorcycle of the petitioners which was kept in a plastic bag. Police further came to know that father of the petitioner was involved in selling of *ganja* and the seized contraband was handed over by the co-accused father of the petitioner for selling it to the local labourers.



4. Learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners. The mandatory provisions of search and seizure have not been followed in this case and the witnesses are stock witnesses of the police and they are business rivals of the petitioners. The petitioners are in custody since 24.01.2023 and charge sheet has been submitted. The petitioners have got no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioners submitting that the petitioners were caught red-handed carrying ganja in their possession.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the small quantity of contraband and further considering the clean antecedent of the petitioners along with their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saran at Chapra/court concerned in connection with Derni P.S. Case No. 13 of 2023, subject to the conditions



mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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