

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17764 of 2023**

Arising Out of PS. Case No.-823 Year-2020 Thana- NAGAR District- Vaishali

AWADHESH KUMAR @ AWADHESH DAS SON OF LATE RAJESHWAR
PRASAD RESIDENT OF VILLAGE - MAKSUDPURA, P.S. - HAJIPUR
TOWN, DISTT. - VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Purushotam Sharma, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 On call prayer for adjournment has been made,

learned APP is present.

The petitioner apprehends his arrest in connection with Hajipur Town P.S. Case No.823 of 2020 instituted under Sections 8, 20(b),(ii)(A) & 22 of NDPS Act lodged on 19.12.2020 by the informant Sanjay Kumar Singh.

As per the prosecution story, on the information of A.S.I. Sanjay Kumar, presently posted at Hajipur Town Police Station. On 19.12.20, the informant of the case received information that 'Ganja' is being sold in the shop namely Popular Skin Centre. On such information at about 03.15 P.M. when the informant along with police force reached Popular Skin Center. On seeing the police one person tried to escape but was apprehended by the police force. On interrogation, the apprehended person disclosed his name as Chandra Prakash. On



search of Popular Skin Center, from the counter about 500 grams 'Ganja' was recovered. The apprehended accused Chand Prakash disclosed that the 'Ganja' is sold by Awadhesh Das who is working in Popular Skin Centre and is Director of the said skin center. Accordingly, the FIR.

From the petition, it is clear that there is recovery of 500 gm *Ganja* from the counter of an open place and the petitioner do not have criminal antecedent and the quantity is only 500 gm, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) each with two sureties of the like amount each in connection with Hajipur Town P.S. Case No.823 of 2020 to the satisfaction of learned Session Judge, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) 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;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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