

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30277 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- BAISI District- Purnia

PAPPU KUMAR S/O LAL BABU RAY R/O Village- Mohammad Saidpur,
Ward No. 16, P.S- Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard Ajay Kumar Thakur, learned counsel for the
petitioner and the State.

The petitioner is in judicial custody in connection with Baisi P.S. Case No. 26 of 2023 for the offence punishable under Sections 8/20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substance Act lodged on 13.1.2023 by the informant, Sanjay Kumar.

As per the prosecution story, the police intercepted and apprehended accused persons and from the vehicle 24 packets of 'Ganja' like substance recovered and upon weigh 19.498 kg was found. Accordingly, the FIR, arrest.

It is the case of the petitioner that he has been falsely implicated by the police, has remained in custody since 14.1.2023 (para-17 of the petition) though he concedes that he



has criminal antecedent.

The last submission is that similar placed Ajay Kumar has been granted bail by a coordinate bench of this Court vide Cr. Misc. No. 29968 of 2023.

Learned APP opposes the prayer but concedes that it is below 20 kgs commercial quantity.

Considering the aforesaid submission put forward by the learned counsel for the petitioner, the alleged recovery is below the commercial quantity, is in custody since 14.1.2023 and one co-accused has since been granted bail, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Special Judge, N.D.P.S. Act, Purnea, in connection with Baisi P.S. Case No. 26 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 fortnight for next six months 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 bail application is allowed.

(Rajiv Roy, J)

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