

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28514 of 2023

Arising Out of PS. Case No.-357 Year-2022 Thana- BAISI District- Purnia

KRISHNA ADHIKARI @ KRISNO ADHIKARI Son of Ramesh Adhikari
Resident of village - Baramaricha, P.S. - Sitalkusi, Distt. - Kooch Bihar
(W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Baisi P.S. Case No.357 of 2022 (Special NDPS Case No.69 of 2022) instituted under Section 8(c),20(b)(ii)(c) of the NDPS Act lodged on 08.09.2022 by the informant Nandji Prasad.

As per the prosecution story, the police searched the bus and found four persons trying to hide their bags. Upon suspicion, the bags searched and 'Ganjas' were recovered inasmuch as from

(i) Raju Miyan - 9 Kg. of 'Ganja',

(ii) Habibul Miyan - 9 Kg. of 'Ganja',

(iii) Mubarak Hussain - 8.900 Kg. of 'Ganja'

(iv) Krishna Adhikari (petitioner)- 9 Kg. of 'Ganja'.

Accordingly, the FIR.

Learned counsel for the petitioner submits that he was



travelling in a bus. The bags that were present there, he had nothing to do with it, but one of the bag was attributed to him for which he has already suffered by being in custody since 08.09.2022 (para-17 of the petition) and he do not have criminal antecedent.

Learned APP opposes the prayer for bail but concede that it is below the commercial quantity.

Taking into account the aforesaid facts as also that he is in custody since 08.09.2022 and has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Baisi P.S. Case No.357 of 2022 giving rise to Special NDPS Case No.69 of 2022 to the satisfaction of learned Special Judge NDPS Act, Purnea , subject to 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 month for one year to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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