

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29655 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- SUGAULI District- East Champaran

Ranjeet Rai Son Of Lalan Rai Resident Of Bhada, P.S.-Harsidhi, District-East
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Sugauli
P.S. Case No.246 of 2022 registered for the offence under
Sections 339 and 402 of the Indian Penal Code, Sections 25(1-
B)a, 26 and 35 of the Arms Act and Section 8/20(b) (ii) (c) of
the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2022.

The allegation against the petitioner is to involve in
the preparations of dacoity alongwith other co-accused persons
and while preparing so one countrymade pistol alongwith one
live cartridge was recovered from this petitioner and Pradeep



Giri @ Dhananjay Giri found in possession of contraband i.e., *charas* total of 1.624 kilograms.

Learned counsel appearing on behalf of the petitioner submitted that mere on the possession of contraband i.e., *charas* and one countrymade pistol, it cannot be said that petitioner was preparing for dacoity. It is submitted that alleged recovery of the contraband i.e., *charas* is from the possession of co-accused, namely Pradeep Giri, and not from this petitioner. It is submitted that similarly situated co-accused, namely Arjun Sahani and Nitesh Mishra, have already been granted bail by learned Co-ordinate Benches of this Court through Cr. Misc. No. 64754 of 2022 vide order dated 24.02.2023 and 63231 of 2022 vide order dated 07.02.2023, respectively. While concluding the argument, it is submitted that petitioner found involved in eight more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as contraband i.e., *charas* recovered from the possession



of co-accused, Pradeep Giri, not from this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.05.2022, accordingly petitioner, above named, is directed to be released on bail in connection with Sugauli P.S. Case No.246 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-5th Special Judge, N.D.P.S. Act, East Champaran, Motihari/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till



conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

S.Tripathi/-

(Chandra Shekhar Jha, J.)

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