

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30158 of 2023

Arising Out of PS. Case No.-537 Year-2022 Thana- RAXAUL District- East Champaran

Prithvisun Das, Son of Raj Kumar Sundas, Resident of village - Bastipur,
Ward No. 13, P.S. - Nebarpani, Distt. - Makwanpur, Nepal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-07-2023

At the outset, learned counsel for the petitioner submitted that inadvertently satisfaction portion of the bail petition was not duly explained and same be permitted to correct during the course of day.

Request is allowed.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Raxaul P.S. Case No.537 of 2022 registered for the offences punishable under Sections 20(b)(ii)(c), 23(c) of the Narcotic Drugs and Psychotropic Substances Act.

The accused/petitioner is named in the FIR and is in custody since 12.11.2022.

Allegation against the petitioner is to have in



possession of contraband i.e. *ganja* total of 1.250 kg. along with other co-accused persons, where recovery of one Nepali currency note of Rs.500/- and one mobile were also alleged to be made from possession of this petitioner.

It is submitted by learned counsel that the alleged contraband recovered from co-accused Adesh Yangtang and not from this petitioner. It is submitted that nothing surfaced during the course of investigation, which may suggest that this petitioner is connected in any manner with alleged recovered contraband i.e. *ganja*, which is less than commercial quantity. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and more investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as no *ganja* has been recovered from this petitioner rather same has been recovered from co-accused Adesh Yangtang coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.11.2022, accordingly, the petitioner, above-named, is



directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-5th, East Champaran, Motihari in connection with Raxaul P.S. Case No.537 of 2022,subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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