

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31444 of 2023

Arising Out of PS. Case No.-171 Year-2021 Thana- DIDARGANJ District- Patna

SHAMBHU SINGH S/O RAJ BALLAM SINGH R/O Village- Raybag, P.S-
Didarganj, Distt.- Patna. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Special Case No. 95 of 2021 arising out of Didarganj P.S. Case No. 171 of 2021 registered for the offences under section 8(C), 20B and 29 of the NDPS Act lodged on 07.08.2021 by the informant, Ganesh Rai.

The prosecution case, in brief is that upon secret information, the informant along with raiding party raided the house of the informant. The house was closed and no family member was present. The house of the petitioner was searched and from different portion of the house, total 49.42 Kg. of ‘*Ganja*’ was seized. It is further alleged that Rs.44, 060/- was also recovered from a bag. Accordingly, the FIR.

Learned Counsel for the petitioner submits that although there is recovery of 49.42 kg. of ‘*ganja*’ like substance, the said recovery is from the house where no family member



was present and it can be safely construed that the police planted the said materials to implicate the entire family members. The further submission is that there is no independent witness and the policemen are the witness to the seizure list.

The last submission is that he is in custody since 15.09.2022 (paragraph-10 to the petition).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that huge quantity of 'ganja' was recovered/seized.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner that it has been recovered/seized from a house where no family member was there, the police men are the witnesses and he has remained in custody since 15.09.2022, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge Vth, Patna in connection with Special Case No. 95 of 2021 arising out of Didarganj P.S. Case No. 171 of 2021, 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 month till the conclusion of the trial 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 his 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.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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