

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35147 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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CHANDAN KUMAR SON OF NUNU YADAV R/O village Mansara, P.S.
Ghanshyampur, District-Darbhangha

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 Heard Mrs. Vaishnavi Singh, learned counsel for the

petitioner and the State.

The petitioner is in custody since 19.3.2023 in connection with L.N.M.U. P.S. Case No. 83 of 2023 for the offence punishable under Sections 20(b)(ii)(B) of the NDPS Act lodged on 18.3.2023 by the informant Madan Prasad.

The prosecution story, in brief, is that the informant , Officer Incharge of L.N.M.U. police station recorded his self statement on 18.3.2023 at the house of Anil Kumar stating that on the same day in the night at around 1.00, the S.H.O. of Nadi Police Station came alongwith official and alleged that the accused of Nadi P.S. Case No. 56 of 2021 namely Abhiranjan Yadav is absconding and have information that he is presently



residing in Navtolia Mohalla in a rented room of Anil Kumar Jha and information is also regarding possession of contraband article and thus assistance was required for raid and the said information was produced in writing.

A 'Sanha' was entered dated 18.03.23 and the said information was also passed on to Senior Official and request was also made for appointing Magistrate and a team was constituted. They proceeded with weighing scale, left and reached at the house of Anil Jha at about 2.30 hours and in presence of landlord Anil Kumar Jha and Suman Kumar the room located on the first floor in the eastern side was opened and three persons were found in the said room namely Abhiranjan Kumar @ Abhishek Kumar, Chandan Kumar (petitioner) and Nitish Kumar.

They were given notice under section 50 of the N.D.P.S.Act and the accused persons gave their consent to be searched by the raiding team itself. Thereafter in presence of the independent witness search was conducted. From a room of Abhiranjan Kumar (@) Abhishek Kumar, in proper light, a red colour bag was found on the 'chhajja' from which four black colour plastic bags of Ganja like substance was recovered which were marked as P1, P2, P3 and P4 and the weight of plastic bag



was taken which comes to be P1 (1.455 kg), (1.482 kg) P3 (1.475 kg) and P4 (0.972 gram) thus total recovered quantity of 'Ganja' like substance comes to be 5 kg 384 grams which was accordingly seized. The three apprehended accused could not give any satisfactory reply with regard to the recovered article and they were accordingly taken into custody. In 'Verandah' of the house of Anil Jha, a motorcycle of Abhiranjan Kumar bearing registration number BR07AW-6765 was also found which was seized. In front of the house of Anil Kumar Jha by the side of road a Kia Sonnet Car of Chandan Kumar Yadav was also found without registration number which was also seized.

The contention of the learned counsel for the petitioner is that he is meritorious student and has been implicated in this case. The further submission is that in any case the recovery/seizure of 5 kg 384 grams of 'Ganja' for which he has already suffered by being in custody since 19.3.2023 (as stated in para-18 of the petition) and do not have criminal antecedent.

Mr. Bharat Bhushan, learned APP stated that it is above the small quantity.

Taking into account the recovery/seizure is below the commercial quantity, he do not have criminal antecedent and is



in custody since 19.3.2023, 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. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, N.D.P.S. Act, Darbhanga, in connection with L.N.M.U. P.S. Case No. 83 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 month for next one year 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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