

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35905 of 2023

Arising Out of PS. Case No.-630 Year-2022 Thana- DUMRA District- Sitamarhi

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VIRENDRA RAI @ BIRENDRA YADAV SON OF LATE BHARAT RAI
Village- Vishwanathpur Ps- Dumra Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, Narcotic Drugs Control Bureau, New Delh New Delhi
2. The State of Bihar through the Department of Narcotic Drugs Control Bureau Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For UIO	:	Mr. Ram Anurag Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard Mr. Subodh Kumar, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State as also Mr. Ram Anurag Singh, learned counsel for Union of India.

The petitioner is in custody since 5.11.2022 in connection with Dumra P.S. Case No. 630 of 2022 for the offence punishable under Section 188 of the I.P.C. and section 20(b)(ii)(A) of the NDPS Act and 52 of the Prisoner Act lodged on 5.11.2022 by the informant Ram Bilas Das.

The prosecution story, in brief, is that the informant alleged that on 19.10.2022, two bundles were thrown from the side of Kamla Balika High School which were dropped near the



temple in the jail premises. The Home Guard tried to seize it but failed. The recovered bundles were produced before the office, in which four mobiles and 330 gms 'ganja' were recovered followed with seizure list and also the FIR.

Learned counsel for the petitioner submits that for an occurrence on 19.10.2022, the FIR was lodged on 5.11.2022 and the allegation is that someone had thrown the 'ganja' like substance inside the jail and when the guard tried to seize it, he was prohibited by this petitioner which is completely false and only to implicate him after 10 days, the FIR.

Learned APP opposes the prayer stating that he was caught at the spot.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he is in custody since 5/11/2022 and there is an inordinate delay in lodging the FIR, this Court is inclined to extend him the privilege of bail with conditions after framing of charge.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge-cum-Sessions Judge, Sitamarhi, in connection with Dumra P.S. Case No. 630 of 2022 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 fortnight for next six months 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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