

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34938 of 2023

Arising Out of PS. Case No.-1283 Year-2022 Thana- KHAJANCHI HAT District- Purnia

DEEPAK JHA Son of Suman Jha Resident of village - Kachahari Road, P.S.-
K. Hat, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with K.Hat (Maranga) P.S. Case No.1283 of 2022 instituted under Sections 8(c),21(b) of the NDPS lodged on 27.11.2022 by the informant Mithilesh Kumar.

As per the FIR, seven named accused persons were arrested by the police and some contrabands were recovered from the possession of each named accused persons. As per allegation, 10 grams of Brown Sugar was recovered from possession of the petitioner.

Learned counsel for the petitioner submits that total recovery/seizure has been shown to be 10 gms. of brown sugar which comes below commercial quantity. The further submission is that even the said recovery/seizure is attributed to



all the accused persons and not the petitioner alone. The last submission that some of the co-accuseds have since been released on bail vide Cr. Misc. No.8381 of 2023 dated 02.05.2023 and Cr. Misc. No.6627 of 2023.

Learned APP opposes the prayer but concedes that the quantity recovered/seized is below the commercial one.

Taking into account the aforesaid submission as also the fact that he is in custody since 28.11.2022 (as stated in paragraph-20) and some of the co-accuseds have since been granted bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with K.Hat (Maranga) P.S. Case No.1283 of 2022 (Special NDPS Case No.07/2023) to the satisfaction of learned 5th Additional Sessions Judge, Purnea , subject to 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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