

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33567 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

PURUSOTTAM KUMAR Son of Pramod Kumar Poddar Resident of
Muhalla- B Tola Ishakchak, PS- Ishakchak, District- Bhagalpur, at present
resident of Raghusah Lane, Mohaddinagar, Mirjanhatt, PS- Babarganj,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35351 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

SAURABH KUMAR Son of Sri Vinod Poddar Resident of village - Kakni,
P.S. - Saraiya, Distt. - Dumka (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33567 of 2023)

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

(In CRIMINAL MISCELLANEOUS No. 35351 of 2023)

For the Petitioner/s : Mr. Debesh Kumar Poddar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

The petitioners are accuseds in connection with
N.D.P.S. Case No. 126 of 2022 (arising out of Industrial Area
P.S. Case No. 215 of 2022) registered for the offences under



sections 20(b)(ii)(c) and 22 of the N.D.P.S. Act lodged on 29.10.2022 by the informant, Kaushal Kumar Bharti.

The prosecution story, in brief, is that on a secret information received by S.I. Kaushal Kumar Bharti on 29.10.2022 Md. Noor and Md. Sattar sent 7-8 boys to bring '*Ganja*' from Purnea who are about to arrive at Zero mile Chowk, by a bus. On this information, the informant along with other Police officers along with one weight machine, Lap-top, one printer and other apparatus reached zero mile chowk and at schedule time, a bus namely Man Bindywasni bearing BR-11N-4294 arrived at Zero mile chowk near Kali Mandir.

Thereafter, informant along with other police personnel surrounded the bus and in presence of independent witnesses (bus staffs) and CO., Sabour started searching the belongings of passengers of the bus. On search, following quantity of '*ganja*' was/were recovered amongst the other from petitioners:-

1. Purushottam Kumar – 13 kg. kept in two packets;
2. Saurabh Kumar- 13 kg kept in two packets wrapped with plastic. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioners that number of persons have been allegedly



implicated in the matter assigning 'ganja' to each of them. So far as petitioner (Purusottam Kumar) is concerned, it has been alleged that 13 kg. of 'ganja' in two packets were recovered/seized and against the petitioner (Saurabh Kumar), it has been alleged that 13 kg. of 'ganja' in two packets were also recovered/seized from him, which is/are below the commercial quantity for which they have already suffered by being in custody since 30.10.2022 and 29.10.2022 respectively and they do not have criminal antecedents.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the recovery/seizure which is 13 kg. each, below the commercial quantity and they are in custody since 30.10.2022 and 29.10.2022, do not have criminal antecedent, this Court is inclined to extend them privilege of bail.

Let the petitioners 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 the learned Sessions Judge, Bhagalpur in connection with N.D.P.S. Case No. 126 of 2022 (arising out of Industrial Area P.S. Case No. 215 of 2022), subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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