

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37170 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- GHORASAHAN District- East
Champaran

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SANDESH YADAV son of Yoddha Ray Village- Gurmiya Khas Tola Ps-
Ghorasahan Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-09-2023 Heard the parties.

2. The petitioner is in custody in connection with
Ghorasahan P.S. Case No. 90 of 2023 for the offence under
sections 506/414 of the Indian Penal Code and 8(c)/21(as) 23
NDPS Act lodged on 22.02.2023 by the informant, Santosh
Kumar Sharma.

3. As per the prosecution story, the allegation is that
the Police during patrolling, intercepted a motorcycle and
apprehended this petitioner. Upon search, 2.25 gram brown
sugar in 19 packets were recovered/seized. Accordingly the FIR.

4. Learned counsel for the petitioner submits that only
to implicate him as he has criminal antecedent, the Police has
thrust this brown sugar theory. In any case, it is much below



the commercial quantity, is in custody since 23.02.2023 (as stated in paragraph 9 of the petition).

5. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

6. Considering the submissions put forward by the learned counsel for the petitioner as also the fact that he is in custody since 23.02.2023 and the recovery is below the commercial quantity, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran at Motihari, in connection with Ghorasahan P.S. Case No. 90 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/her 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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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