

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36149 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- AMAS District- Gaya

AAIYUSH KUMAR Son of Anil Barnwal Resident of village - Chandasthan,
P.s. - Amas, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Amas P.S. Case No.108 of 2023 instituted under Section 8(c),20,29,35 of the N.D.P.S. Act lodged on 24.03.2023 by the informant Ranjeet Kumar.

As per the FIR, the informant A.S.I., Ranjit Kumar of Amas Police Station alleged that on 24.03.2023, during the course of patrolling, he got secret information that illegal contraband is being sold by Aaiyush Kumar and Rahul Kumar. On this information, he along with other police officials raided at the 'Gumti' of accused/petitioner and on the sight of the police party, they tried to escape but the police party caught him. On search, 100-100 gram 'Ganja' was recovered from the 'Gumti' of Rahul Kumar and Aaiyush Kumar. The seizure list



was prepared and accordingly, the FIR.

Learned counsel for the petitioner submits that falsely implicating him in the present case, 100 gms of 'Ganja' has been shown to be recovered/seized from his 'Gumti' for which he has already suffered by being in custody since 25.03.2023 (as stated in para-15 of the petition) although he has no criminal antecedent.

Learned APP opposes the prayer though concedes that the seizure of 100 gms is below the commercial quantity.

Taking into the period of custody (25.03.2023) as also the fact that he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Amas P.S. Case No.108 of 2023 to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.s. Act, Gaya, 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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