

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37638 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- PALANWA District- East Champaran

Pannalal Sah, Sex male, aged about 30 years, son of Late Nathuni Sah,
resident of village- Purendra, P.S.- Palanwa, Dist-East Champaran, Pin
845305

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Pd. Singh No.1, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Palanwa PS Case No. 166 of 2022 dated 29.07.2022, instituted
for the offence punishable under Sections 20(B)(ii)(B) of the
NDPS Act.

3. The prosecution case, in short, is that one Indrajit
Paswan, SI, Ramgarhwa PS has given his written report that on
29.07.2022 at about 3.10 PM he got information that one
Ranjeet Kumar is bringing Ganja for sale. On such information,
he went to Bhelahi Chowk and found that four persons were
present near a shop and on seeing the police, they started fleeing
away but they were caught along with the bags containing Ganja
and the arrested persons disclosed their names as Ranjeet



Kumar, Subhash Patel, Pannalal Sah and Dular Patel. On search, total 29.100 Kg. Ganja kept in different bags were recovered from the possession of the all the four accused persons.

4. Learned counsel for the petitioner submits that the petitioner has been made accused without any cogent basis and nothing has been recovered from his possession. Learned counsel further submits that the petitioner has been falsely implicated by the informant for extraneous reasons to save the actual culprits. Learned counsel further submits that as per the seizure list from the possession of the petitioner and Dular Patel, two packets of Ganja were recovered; one packet was of 4.490 kg and another packet was of 4.450 kg. Further, from the pocket of the petitioner 300 gram Ganja was recovered and from the pocket of Dular Patel, 320 gram Ganja was recovered. Thus, from the possession of the petitioner total 4.790 kg. Ganja was recovered which is less than commercial quantity. It is further submitted that the petitioner is in custody since 30.07.2022 having clean antecedents and charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ADJ 5th, East Champaran, Motihari, in Palanwa PS Case No. 166 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

J. Alam/-

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