

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39013 of 2023**

Arising Out of PS. Case No.-152 Year-2022 Thana- NAGAR District- Vaishali

Rahul Kumar Banjara S/O Late Raj Kumar Yadav R/O Village- Naya Tola  
Juravganj PS. Kodha Dist. Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Satyendra Narayan Singh

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

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

The petitioner seeks bail in connection with Hajipur  
(T) P.S. Case No. 152 of 2022, registered for the offences  
punishable under Sections 8, 20(b)(ii)(c), 25 and 29 of the  
NDPS Act.

As per allegation, it is alleged that from the room of  
the petitioner, total 11.831 KG of ganja was recovered.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. He further submits that the alleged recovery has not been  
made as per the rules as provided under the NDPS Act. He also  
submits that the recovery has not been made from the conscious  
possession of the petitioner and the house, from which the



recovery has been made, does not belong to the petitioner. It is further submitted that the quantity of the alleged contraband is much less than the commercial quantity. The petitioner has been languishing in jail since 23.02.2022.

It has also been stated in paragraph no. 3 of the bail petition that earlier the petitioner is made accused in four other cases also.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail after framing of charge, if the charge has not already been framed, on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court, in connection with Hajipur (T) P.S. Case No. 152 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified



copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

Amrendra/-

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