

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38328 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- KASIMBAZAR District- Munger

DINESH RAM son of Late Raghunandan Ram Village- Mansari Talle, Rented
House (Maksaspur) Ps- Kasim Bazar Dist- Munger Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody since 12.3.2023 in connection with Kasim Bazar P.S. Case No. 72 of 2023 for the offence punishable under Sections 25(1-B)a, 26(i)(ii), 35 of the Arms Act and 8/20(b)(ii)(B) of N.D.P.S. Act lodged on 11.3.2023 by the informant Mintu Kumar Singh.

The prosecution story, in brief, is that on 10.3.2023 in the night, the informant received a secret information regarding this fact that Golu Ram who is close to Pawan Mandal is in house and selling 'Ganja'. On such information, he along with other police personnel surrounded the house of Golu Ram and found one person was trying to escape himself. He was apprehended and further alleged in the FIR that another person tried to but was also caught who disclosed his name as Dinesh Ram (petitioner). Locals were requested to become witness but upon their refusal, two police personnel were made witness



and after following rules of search and seizure, Kasim Bazar Police entered into the rented house of Golu Ram and from the room one country made Pistol, five live cartridges, three Mobile Sets and 15 kg 'Ganja' were recovered and thereafter seizure list was prepared and FIR lodged.

Learned counsel for the petitioner submits that the recovery/seizure is of 15 kg of 'ganja' which is below the commercial quantity. He do not have criminal antecedent and is in custody since 12.3.2023 as per the order of the learned Sessions Judge. Further, the police are the witnesses which creates genuine doubt on the correctness of the FIR.

Learned APP opposes the prayer.

Considering the fact that the petitioner do not have criminal antecedent, has remained in custody since 12.3.2023 and recovery/seizure is below the commercial quantity, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner 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 learned Sessions Judge, Munger, in connection with Kasim Bazar P.S. Case No. 72 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 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 next 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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