

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38665 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- KHAGARIA District- Khagaria

SUNIL RAI Son of Late Kamdeo Rai Resident of village- Sansarpur, P.s.-
Khagaria Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 20-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Special
Case No.01/2022 arising out of Khagaria Muffasil P.S. Case No.
58/2022 registered for the offences punishable under Sections
20/22 of the N.D.P.S. Act

As per prosecution case, there is alleged recovery of
2.400 K.G of Ganja alongwith other incriminating articles
including Rs.29,983/- from the Gumti of the petitioner. The
petitioner apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 21.01.2022
and bears no criminal antecedent. He further submits that there
is alleged recovery of Ganja is 2.400 K.G. Commercial quantity



of Ganja is 20 K.G. and small quantity of Ganja is 1000 gm. but the said recovery of Ganja comes under intermediary quantity which less than commercial quantity as per N.D.P.S. notification. No incriminating article has been recovered from the conscious possession of the petitioner, rather all incriminating articles has been recovered from the Gumti and the petitioner has no concern with the said Gumti. He further submits that seizure list has not been prepared as per law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- Vth cum Special Judge,



N.D.P.S. Act, Khagaria in connection with Special Case No.01/2022 arising out of Khagaria Muffasil P.S. Case No. 58/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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