

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41017 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- SIMRI District- Buxar

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MALLU KAMKAR @ MALLU PRASAD @ BHALU KAMKAR Son of
Kailash Kamkar Resident of Village - Balihar, P.S.- Simari, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Mr. Vikram Deo Singh learned counsel for

the petitioner and Mr. Bharat Bhusan learned APP.

The petitioner is in custody since 08.01.2023 in
connection with Simri P.S. Case No. 05 of 2023 for the offence
punishable under Sections 379, 411, 34 of the I.P.C. lodged on
07.01.2023 by the informant Raghunath Sharma.

As per the prosecution story, the police on secret
information constituted a team and thereafter raided the house
of the petitioner, apprehended him and upon search, it is alleged
that 11.750 kg of 'ganja' was recovered/seized from the house.
Accordingly, the F.I.R.

Learned counsel for the petitioner submits that the



recovery is from the joint house and thus cannot be attributed to him and further the same is below the commercial quantity and has remained in custody since 08.01.2023 (as stated in para 15 in the bail application).

Learned APP opposes the prayer but concede that it is below the commercial quantity.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also his period of custody, 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. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Additional District Judge-4-cum-Special Judge, N.D.P.S. Act, Buxar, in connection with Simri P.S. Case No. 05 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 fortnight for next six months 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)

Jagdish/Jyoti/-

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