

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40152 of 2023

Arising Out of PS. Case No.-348 Year-2022 Thana- MOKAMAH District- Patna

Ghiphulendra Kumar @ Ghiphulendra Son Of Ram Prasad Chauhan @ Ram Prasad Jamadar Resident Of Village- Andauli Ps- Saksohra, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023

Heard the parties.

The petitioner is in custody since 17.01.2022 in connection with Mokama P.S. Case No. 348 of 2022 for the offence punishable under Sections 8/20 (b) (ii) (C) of the NDPS Act lodged on 16.11.2022 by the informant, Chandra Bhushan Sinha.

The prosecution story, in short, on 16.11.2022 at 11 o'clock, the informant received secret information that about 50 yards south/east of Mokama Railway Gate near Munna Singh tea stall '*ganja*', was being taken on a Bolero. Informing the Senior Officer, he along with armed force departed from Police Station at 11:10 o'clock and reached there at 11:30 o'clock. Upon hearing the sound of police two persons began to run away from the Bolero. One of them was caught. In presence off



witnesses, the vehicle was searched and 21 kg of '*ganja*' from 11 pockets wrapped in 2 bags were recovered. The person caught was the petitioner herein.

It has been contended by the learned counsel for the petitioner that although the recovery/seizure is 21 '*ganja*' kg from the Bolero car, neither the petitioner owns the said vehicle nor he was driver. He was simply a passer-by and on the sight of the police as he tried to leave the place, the police on suspicion apprehended him and implicated in the present case as he was passing closer to the said vehicle. Further, he is in custody since 17.11.2022.

Learned APP opposes the prayer stating that there is recovery of 21 kg '*ganja*' from the vehicle and the petitioner was trying to escape and as such was apprehended and thus he cannot shrug off his role from the alleged recovery/ seizure.

Taking into account the aforesaid submission of the learned counsel for the petitioner as also that nothing has been recovered from his personnel possession, the recovery/seizure is from the vehicle. The petitioner neither owns the vehicle nor is the driver, he was arrested from the road, is in custody since 17.01.2011 and do not have criminal antecedent . 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 Additional Session Judge- XVII, Patna in connection with Spl. Case No. 36 of 2023 Arising out of Mokama P.S. Case No. 348 of 2022, 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)

Ravi/jyoti/-

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