

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43465 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- KHAGARIA RAIL P.S. District-
Khagaria

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Devraj, aged about 27 years, Male Son of Ram Chandra Mandal, Resident of
Village- Sitakund Deeh, Ward No. 2, P.S.- Mufassil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Special Case No. 40 of 2022 arising out of Khagaria Rail P.S.
Case No. 172 of 2022, registered for the offences punishable
under Sections 8 /20(b)(ii)(B) of N.D.P.S. Act.

3. As per the prosecution case, 10.310 Kg of *Ganja* was
recovered from the possession of the petitioner on Khagaria
Junction at Platform No. 1.

4. Learned counsel for the petitioner submits that
petitioner is a handicapped person who was travelling in the
train. The police found a bag containing the alleged *Ganja* near
the bathroom of the train. Further, learned counsel for the



petitioner submits that the petitioner has falsely been implicated in this case. The recovered contraband substance is less than the commercial quantity. There is no independent witness of the seizure list. The Charge has already been framed on 06.06.2023 by the learned Court below. The petitioner was permitted by this Court vide order dated 16.05.2023 in Criminal Miscellaneous No. 18549 of 2023 to file the bail application **after framing of charge** by the learned Court below. Petitioner has no criminal antecedent and is in jail custody since 22.11.2022.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of the learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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., Khagaria in connection with Special Case No. 40 of 2022 arising out of Khagaria Rail P.S. Case No. 172 of 2022 with subject to the following conditions:

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court.

(ii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or violate any of the conditions imposed upon him his bail bond will be liable to be cancelled by the Court concerned.

(Sunil Dutta Mishra, J)

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