

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50097 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- SURSAND District- Sitamarhi

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RAMBABU SAFI @ RAWAN Son of Surai Safi @ Ramshresth Safi Resident
of Village - Srikhandi Bhitha, P.S. - Sursand, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023

Heard the parties.

The petitioner is an accused in connection with Sursand (Bhitha O.P.) P.S. Case No. 102 of 2022 registered for the offences under section 414 of the Indian Penal Code and sections 8(C), 20(b)(ii)(C), 22(C), 23(C), 25 and 29 of the N.D.P.S. Act lodged on 03.03.2022 by the informant, Premjeet Singh.

As per the prosecution story, the allegation is that the police upon information intercepted a vehicle, some accused persons escaped while others were apprehended who gave their names as Ram Prasad Mandal and Rakesh Kumar. Further, allegation is that they confessed that the ‘ganja’ was purchased from Awinash Kumar @ Vicky to be handed over to Umesh Yadav. Altogether, 108.6 kg of ‘ganja’ was recovered/seized.



Further, the house of Awinash Kumar @ Vicky was also raided and 95.3 kg '*ganja*' was recovered/seized. Accordingly, the FIR.

It is the case of the petitioner is that he is neither Awinash Kumar @ Vicky nor Umesh Yadav who were in the business, he is also not the person apprehended on spot but the name has come in the confessional statement of the other accused persons. The last submission is that similar situate co-accused, Ajit Thakur @ Rocky has since been granted bail by a co-ordinate bench in Cr. Misc. No. 34197 of 2022 on 17.11.2022 (Annexure 2 to the petition).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was also part of the said sale/business of huge quantity of '*ganja*'.

Considering the fact that the persons arrested from the spot alongwith '*ganja*' in the vehicle as also the two persons Awinash Kumar @ Vicky and Umesh Yadav who were in the business of '*ganja*' and from whom the recoveries have been made are already accused in the case, on their confession, the name of the petitioner has come, similar placed co-accused has since been granted bail, as stated above, he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.



If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge, Sitamarhi in connection with Sursand (Bhitha O.P.) P.S. Case No. 102 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 month for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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