

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49951 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

1. RAJA KUMAR Son of Sushil Mandal Resident of village - Kampani Bag, P.S. - University, Distt. - Bhgalpur
2. Lalita Kumari D/o Raja Koyri Resident of village - Deemapur, P.s. - Charmahal, Distt. - Deemapur, Nagaland

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023

Heard the parties.

The petitioners are accuseds in connection with Industrial Area P.S. Case No. 87 of 2023 registered for the offences under sections 20(b)(ii)(c) and 22 of the N.D.P.S. Act lodged on 08.05.2023 by the informant, Kaushal Kumar Bharti.

As per the prosecution story, the police raided a bus at Zero Mile crossing and upon search, number of accused persons were found with '*ganja*' in their respective possession. So far as these two petitioners are concerned, 1.5 kg '*ganja*' each have been recovered from them alongwith mobile phone and certain cash. Accordingly, the FIR.

It is the case of the petitioners that even going by the



allegation, 1.5 kg each 'ganja' has been recovered from their possession which is below the commercial quantity, both the petitioners do not have criminal antecedents and one of the co-accused, Ram Charan Kumar Sah @ Ram Charan Sah has since been granted bail by a co-ordinate bench in Cr. Misc. No. 48737 of 2023 on 08.08.2023.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that '*ganja*' has been recovered from their respective possession.

Considering the aforesaid submissions put forward by learned Counsel for the petitioners as also quantity of recovery and both are in jail since 09.05.2023 (as stated in paragraph 9 of the bail application), this Court is inclined to extend them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with Industrial Area P.S. Case No. 87 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their



bona fide;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

