

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56037 of 2023

Arising Out of PS. Case No.-462 Year-2021 Thana- SUGAULI District- East Champaran

SONU @ NEK MOHAMMAD son of Bhola Dewan Village- Jhakhya Ps-
Banjariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023

Heard the parties.

2. The petitioner is in custody in connection with NDPS Case No. 12 of 2022 arising out of Sugauli P.S. Case No. 462 of 2021 for the offence under sections 20(b)(ii)(c), 23, 27(a) and 29 of the NDPS Act lodged on 03.11.2021 by the informant, Vivek Kumar Jaiswal.

3. As per the prosecution story, the Police intercepted a truck which was parked in front of the petrol pump and recovered 151.160 kg 'Ganza' from its cabin. The Driver, Vishal Patel and Cleaner, Chandra Shekher Kumar were arrested. They confessed the name of the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that neither he has been arrested from the spot nor anything recovered from his conscious possession, his name has come in the confessional statement of the Driver and the Cleaner, do not



have criminal antecedent and is in custody since 19.05.2023 (as stated in paragraph 3 of the supplementary affidavit).

5. The further submission is that the similar situate, Munna Miya @ Munna Alam has since been released on bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 44227 of 2023.

6. Learned APP opposes the prayer for bail stating that there is huge recovery of 'Ganza' from the truck.

7. Taking into account the submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent and similar situate co-accused has since been released on bail, as stated above, is in custody since 19.05.2023, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five thousand) each with two sureties of like amount each to the satisfaction of learned Session Judge cum Special Judge East Champaran, in connection with NDPS Case No. 12 of 2022 arising out of Sugauli P.S. Case No. 462 of 2021 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/her 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 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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