

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55665 of 2023**

Arising Out of PS. Case No.-387 Year-2023 Thana- DAUDNAGAR District- Aurangabad

SHIV DEO MALI @ SHIVDEO MALAKAR S/O LATE BADARI  
BHAGAT R/O VILLAGE- MAULABAG WARD NO. 25, PS.  
DAUDNAGAR, DIST. AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      28-08-2023                      Heard the parties.

The petitioner is in judicial custody in connection with Daudnagar P.S. Case No. 387 of 2023 for the offence punishable under Sections 20(b) ii A of the N.D.P.S. Act lodged on 26.6.2023 by the informant, Deepak Kumar.

As per the prosecution story, 33 grams of 'ganja' was recovered from the possession of the accused persons when the police raided a 'Gumti'. Accordingly, the FIR.

Learned counsel for the petitioner submits that from an open 'Gumti', the alleged seizure has been shown, thus, implicating the petitioner and even going by the allegation, the recovery is 33 grams of 'ganja' which is below the commercial quantity. He has remained in custody since 23.6.2023 (para-4 of



the petition).

Learned APP opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner as also the period of custody and further recovery is 33 grams of 'ganja' and he 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 learned Special Judge (N.T.P.C.), Aurangabad, in connection with Daudnagar P.S. Case No. 387 of 2023 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/-

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