

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53570 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- NAWANAGAR District- Buxar

1. SUSHIL KUMAR SINGH @ SUSHIL KUMAR Son of Mithilesh Singh @ Mithilesh Kumar Resident of village - Dihari, P.s. - Nawanagar (Sonbarsa), Distt. - Buxar
2. Sudhir Kumar Singh @ Sudhir Kumar Son of Mithilesh Singh @ Mithilesh Kumar Resident of village - Dihari, P.S. - Nawanagar (Sonbarsa), Distt. - Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate
For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Nawanagar (Sonbarsa) P.S. Case NO. 255 of 2023 registered under Sections 8/20 (B) (ii) (B) of the N.D.P.S. Act lodged on 02.07.2023.

As per the prosecution story, the police raided the Kirana shop of the petitioner no. 1, Sunil Kumar Singh@ Sunil Kumar and recovered/seized 3.890 grams 'ganja' like substance. Further, another set of accused persons were raided who came on motorcycle. 5.500 grams 'ganja' like substance was recovered/seized. Accordingly, the FIR.



It is the case of the petitioners that they are running a Kirana Shop. There was some altercation with the police and hence, false implication.

It is his further submission that in any case recovered/seized is 3.890 which is below the commercial quantity, they do not have criminal antecedent and are in custody since 30.07.2023 (as stated in paragraph -21 of the petition).

Learned APP opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioners and the State, they do not have criminal antecedent and the recovery of '*ganja*' is below the commercial quantity, this Court is inclined to grant him privilege of bail.

Let the petitioners be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Judge cum Special Court NDPS Act in connection with Nawanagar P.S. Case NO. 255 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 his/her *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 fortnight for next six months 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 the bail bonds.

(Rajiv Roy, J)

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