

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55855 of 2023

Arising Out of PS. Case No.-398 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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RAVINDRA KUMAR SON OF MADAN RAM RO VILLAGE GIDAHA PS
FULWARIYA DIST GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023

Heard the parties.

The petitioner is an accused in connection with Gopalganj (Town) P.S. Case No. 398 of 2023 registered for the offences under sections 8(c) and 21(B) of the N.D.P.S. Act lodged on 26.05.2023 by the informant, Ezaz Khan.

As per the prosecution story, the allegation is that police upon secret information and in course of patrolling, found a person trying to escape, apprehended and 14 pouches of ‘smack’ like substance weighing 6.55 gms. was recovered/seized, he was taken into custody and FIR lodged.

It is the case of the petitioner that he do not have criminal antecedent and has been implicated by the police. Further, he has already suffered by being in custody since



27.05.2023 (as stated in paragraph 6 of the bail application) and the recovered/seized substance is much lesser than the commercial quantity.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the aforesaid submissions put forward by the learned Counsel for the petitioner as also that the quantity recovered is below the commercial one, he is in custody since 27.05.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner 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 District and Sessions Judge, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 398 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 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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