

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58619 of 2023

Arising Out of PS. Case No.-594 Year-2020 Thana- SUPAUL District- Supaul

1. Suman Kumar Singh, aged about 32 years, Male, son of Ajay Kumar Singh
2. Ajay Kumar Singh, aged about 55 years, Male, son of Pitamber Singh,
Both resident of village- Baruari East, PS & Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Supaul (Loukha OP) PS Case No.594 of 2020 dated 24.08.2020,
instituted under Sections 8/20(CB)(ii)(A) of the NDPS Act.

3. The prosecution story, in short, is that on
24.08.2020, a raid was conducted on a secret information that
the business of illegal liquor is going on in the house of Guddu
@ JD Singh at village- Baruari, Ward No.08, Supaul. During the
course of search, total 430 gram *Ganja* was recovered from the
house of the accused persons along with some articles.

4. Learned counsel for the petitioners submit that it is
alleged that a raiding team on a secret information raided the



house of Guddu @ JD Singh and tried to make search but the supporters of the accused persons were resisting the search. However, search was conducted and in presence of two witnesses and seizure list was prepared. It is alleged that 430 gram *Ganja* was recovered along with some other articles. As per the allegation in the FIR, upon information of illegal business of illicit liquor going on from the house of Guddu @ JD Singh, raid was conducted and three cases were lodged separately i.e., (i) Supaul PS Case No. 592 of 2020 under Section 30(a) of the Bihar Prohibition & Excise Act, (ii) Supal PS Case No.593 of 2020 under Section 25(1-B), 26, 35 of the Arms Act and the third is the present one. Learned counsel submits that nothing incriminating articles have been recovered from the house of the petitioners. Petitioners are the brother and father respectively of Guddu @ JD Singh and only because of their relationship with Guddu @ JD Singh, they have been implicated in this case. The petitioners have no concerned with the alleged house from where recovery has been made. Further, it is submitted that total 430 gram *Ganja* was recovered allegedly from the house of the petitioners which is less than small quantity. Lastly, it is submitted that two criminal cases are pending against the petitioners which were instituted on the



same day.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Supaul, in Supaul (Loukha OP) PS Case No.594 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv)



that if the petitioners tamper with the evidence or the witnesses,
in that case, the prosecution will be at liberty to move for
cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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