

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67758 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- AKBARPUR District- Nawada

PAWAN RAM SON OF SAVINDRA RAM R/O VILLAGE- PARTO
KARHARI, P.S.- AKBARPUR, DISTT.- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with
Akbarpur P.S. Case No. 43 of 2021 for the offence registered
under Sections 8(b), 20(a) (b) of the N.D.P.S. Act.

The prosecution story, in brief, is that on 16.01.2021,
the informant got information about the plantation/plant of
'ganja' about the house of the petitioner. Thereafter, the police
reached there, made raid and found six '*ganja*' plants in the
compound of the petitioner whose weight was 15.460 Kg.
Seizure list prepared and the petitioner has been taken into
custody. Thereafter, the agricultural field of Kapil Mahto was
raided and 43.340 Kg of '*ganja*' plants were recovered/seized.
Accordingly, the FIR.

Learned counsel for the petitioner submits that the



police implicated him in this case by showing recovery/seizure of 14.460 Kg of '*ganja*'. It is his further submissions that he has already suffered by being in custody since 24.07.2022 though he do not have criminal antecedent. He further submits that another co-accused with recovery of 43.340 Kg. of '*ganja*' was granted anticipatory bail.

From the order sheet of Cr. Misc. No. 37408 of 2021 (Kapil Mahto Vs. State of Bihar), it seems that the petitioner Kapil Mahto took the order showing recovery/seizure of 14.460 whereas seizure from his agricultural field was 43.340 Kg.

Learned counsel for the petitioner has drawn the anomalies in the Annexure-2 to show that probably the said petitioner, namely, Kapil Mahto @ Kapildeo Prasad @ Kapil Prasad got away with the order showing that the actual recovery is 14.460 Kgs. of '*ganja*'

So far as this petitioner is concerned, it was his seizure list which shows that 14.460 Kgs. of '*ganja*' was recovered/seized, he has remained in custody since 24.07.2022 having no criminal antecedent, this Court is inclined to extend him the privilege of bail. If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

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 Sessions Judge, Nawada in connection with Akbarpur P.S. Case No. 43 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/her 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 desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(v) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha-

U		T	
---	--	---	--

