

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60546 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- MAJORGANJ District- Sitamarhi

ARBIND JHA @ ARVIND JHA Son of Vishamber Jha @ Vishambhar Jha
R/o vill - Laxmipur Nagar Palika, Balra, P.S. - Balra, Distt. - Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023 Heard Ms. Madhubala Verma learned counsel
for the petitioner and learned APP for the State.

2. The petitioner is in custody since 21.05.2023 in connection with Majorganj P.S. Case No. 145 of 2023 for the offence punishable under Section- 8/20 (b) (ii) (B0 22/23 of the N.D.P.S. Act, lodged on 20.05.2023 by the informant Mritunjay Srivastav.

3. As per the prosecution story, the police intercepted a motor cycle coming from Nepal and recovered/ seized 4 kg 'ganja' beneath the seat of the motorcycle. The petitioner was taken into custody and FIR lodged.

4. It is a case of the petitioner that the police implicated him only because there was some altercation with them, do not have criminal antecedent, he is in custody since



21.05.2023 (as stated in paragraph-11 of the petition) and in any case, the recovery of 4 kg 'ganja' is below the commercial quantity.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the learned counsel for the parties, the period of custody as also that he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Session Judge-cum-Special Judge (N.D.P.S), Sitamarhi, in connection with Majorganj P.S. Case No. 145 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.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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