

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60344 of 2022

Arising Out of PS. Case No.-341 Year-2022 Thana- GARDANIBAG District- Patna

RAJA KUMAR @ RAJAN KUMAR, S/O BHIKHARI PRASAD, Resident of village- New Mahamadpur, P.S.- Koilwar, District- Bhojpur (Aara), at present Renter of Pawan Sharma, Near Shivpuri, Shiv Mandir, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62382 of 2022

Arising Out of PS. Case No.-341 Year-2022 Thana- GARDANIBAG District- Patna

HARERAM GUPTA, Son of Late Dinanath Prasad @ Late Dinanath Gupta, R/o- Pandura, Rampur, P.S.- Chandi, District- Bhojpur (Aara) at present Renter of Pawan Sharma, Near Shivpuri, Shiv Mandir, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60344 of 2022)

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 62382 of 2022)

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This Court would expect that the petitioners' counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks



from the date he is called upon to do so by the office.

Both these applications arise out of the same P.S. i.e. Gardanibagh P.S. Case No. 341 of 2022, and as such, they are heard together and are being disposed of by this common order.

Petitioners seek bail in connection with Gardanibagh P.S. Case No. 341 of 2022 registered under Section 8/20(b)(ii)(B) of N.D.P.S. Act.

There is recovery of total 5 Kgs. “*Ganja*” leading to petitioners’ implication in the case. The recovery is alleged from the premises taken on rent by the instant petitioners.

It is submitted by learned counsel for the petitioners that petitioners were not present at the time and place of recovery. Recovery is behind their back. The recovery is denied and disputed. It is further submitted that there is no recovery from their possessions. They are having clean antecedents. The alleged quantum is way below the commercial quantity, though it is above small quantity. Petitioners are in custody since 15.06.2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody and clean antecedents, as also the quantum of recovery, this Court is inclined to allow the petitioners’ prayer for bail.



Prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Patna, in Gardanibagh P.S. Case No. 341 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/shashank-

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

