

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.929 of 2022

Arising Out of PS. Case No.-317 Year-2020 Thana- MAIRWAN District- Siwan

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AJIT RAM Son of Lalbabu Ram Resident of Village- Ram Nagar, P.S.- Siwan
Town, District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 11-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with NDPS
Case No. 05 of 2021 arising out of Mairwa P.S. Case No.
317 of 2020, registered for the offences punishable under
Sections 307, 353, 34 of the Indian Penal Code and
Sections 20(b)(ii)(c), 23(c) and 29 of the Narcotics Drugs
and Psychotropic Substances Act.



The prosecution story as emerges from the FIR is that around 132.080 kgs *Ganja* were recovered from a Brezza Car.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was not arrested on the spot nor any contraband was recovered from the conscious possession of the petitioner. Only material against the petitioner is that as per the driver of the vehicle, wherefrom contraband was seized, has stated before the police that even the present petitioner was along with him while driving the vehicle carrying the contraband. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that the statement of seizure-list witnesses as prescribed under Section 161 Cr. P.C. has not been taken by the investigation officer. He also submits that the Test Identification Pared has not yet been conducted.

He further submits that the petitioner has been languishing in jail since 14.10.2020.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been previously made accused in Siwan Town P.S. Case No. 693 of 2016 under Sections 302, 201, 120B, 34 of the I.P.C. in which the petitioner is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-I-cum-Special Judge, Siwan, in connection with Mairwa P.S. Case No. 317 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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