

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69652 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- SONBERSA District- Sitamarhi

1. Ram Chandra Chaudhary Kalwar, S/O- Late Ganesh Chaudhary Village- Sisautiya Ward No-7, P.S.- Malangwa Dist- Sarlahi Nepal
2. Ramji Paswan, son of Ishwari Paswan Village- Haripur Ward no-1, P.S.- Malangwa Dist- Sarlahi Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Sonbarsa P.S. Case No. 189 of 2023, lodged on 11.06.2023 under Sections 8/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution case, the FIR has been lodged against 2 named accused persons who are petitioners in the present case and as per the FIR, 5 kg. *ganja* was recovered from a plastic bag which was tied with the motorcycle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He also



submits that the antecedent of the petitioners are clean and they are in custody since 12.06.2023. He further submits that there is violation in the preparation of the seizure list and arrest memo as well as violation of section 50 of the N.D.P.S. Act. The petitioners are ready to fulfil all the conditions whatsoever shall be imposed upon them and they are ready to support in the trial in every manner. He also submits that the said recovery of 5 kg of *ganja* is much less than the commercial quantity but higher than the small quantity.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that it is true that the said recovery of 5 kg of *ganja* is much less than the commercial quantity but it is higher than the small quantity.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 189 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show his
bona fide;

(ii) the petitioners 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
bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioners 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.

(Dr. Anshuman, J.)

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