

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69216 of 2023**

Arising Out of PS. Case No.-87 Year-2023 Thana- RAMNAGAR District- West Champaran

DASRATH SAH Son of Subhash Sah R/o vill - Silwatia Badgo, P.S. -  
Ramnagar, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      19-10-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is in judicial custody in connection with Ramnagar P.S. Case No. 87 of 2023 registered under Sections 20, 22 and 22(c) of the NDPS Act of the Indian Penal Code lodged on 26.02.2023 by the informant, Anant Ram.

As per the prosecution story, the allegation is that police reached the house of Dasrath Sah when a lady tried to escape with her bag in her hand. The police managed to caught hold of her and from the bag 105 pouches 5.375 K.G. 'ganja' and later from the shop 2.310 K.G. 'ganja' as also from the motorcycle, 419 gram of 'ganja' and another 670 gram of 'ganja' totaling 8.845 K.G. recovered/seized followed by the FIR.

The lady confessed that the persons sitting in the



shop is the petitioner.

Learned counsel for the petitioner submits that he is a handicapped persons sitting in the shop having no knowledge of the presence of '*ganja*' at the places from which has been recovered/seized and has remained in custody for long since 27.02.2023 (as stated in paragraph-14 of the petition). Further, he do acknowledge that he has criminal antecedent. Last submission is that irrespective of the outcome of the present case, he intends to pay Rs. 5, 000/- to the District Legal Services Authority, West Champaran, Bettiah.

Learned APP opposes the prayer for bail stating that he was the master mind.

Taking into account the period of custody as also the fact that recovery/seizure is below the commercial quantity, the lady who was caught with the bag has since been extended the privilege of bail vide order dated 11.09.2023 passed in Cr. Misc. No. 26796 of 2023, this Court is inclined to grant him privilege of bail, subject to payment of Rs. 5000/- as stated above.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bettiah, West Champaran in connection with Ramnagar



P.S. Case No. 87 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/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 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 his 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 the bail bonds.

**(Rajiv Roy, J)**

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