

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70890 of 2023

Arising Out of PS. Case No.-649 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Vijay Kumar Gupta @ Vijay Kr. Gupta, son of Asharfi Sah Village- Sareya
W.No-4, P.S.- Gopalganj Town Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalganj Town P.S. Case No. 649 of 2023, lodged on
10.08.2023 under Sections 8(c), 21(a) of the N.D.P.S. Act.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner and it has been alleged that the
petitioner was arrested by the police and from his possession, 30
grams of *ganja* has been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that he becomes the victim of the police action as the
police was illegally demanding from Laxmi Hotel of which the



petitioner opposed and thereafter, the present case has been filed against him showing recovery of 30 grams of *ganja* from the petitioner.

5. On merits, learned counsel for the petitioner submits that 30 grams of ganja is less than the small quantity. He further submits that the antecedent of the petitioner is clean and he is in custody since 11.08.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that 30 grams of ganja is less than the small quantity.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Gopalganj in connection with Gopalganj Town P.S. Case No. 649 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 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 bonds by the Trial Court itself;

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

(iv) the petitioner 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 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.

(Dr. Anshuman, J.)

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