

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70677 of 2023

Arising Out of PS. Case No.-150 Year-2021 Thana- DORIGANJ District- Saran

JITAN RAI son of Premdhar Rai @ Premdha Yadav Village- Mahaji P.S-
Doriganj Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Doriganj P.S. Case No. 150 of 2021, lodged on 06.07.2021
under Sections 414 of the Indian Penal Code read with sections
8/20/22/25 of the N.D.P.S. Act.

3. As per the prosecution case, the FIR has been
lodged against 8 named accused persons including the present
petitioner and the subject matter in the present case is the
recovery of one motorcycle which is subject to theft and 10.750
kg of *ganja*.

4. Learned counsel for the petitioner submits that
from the contents of the FIR and the seizure list, it is crystal
clear that the recovery of the motorcycle and *ganja* has been
made from the possession of the accused Rajendra Rai. Counsel



also submits that none of the accused mentioned in the FIR including the present petitioner has either been apprehended or anything recovered from their possession. Counsel further submits that it is the co-accused persons from whose possession the recovery of N.D.P.S and theft material has been made and they disclosed the name of the petitioner and on their confession the name of the petitioner has been figured in the FIR.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 14.05.2023. Counsel further submits that bail application of exactly similar co-accused persons has been granted bail by the co-ordinate bench of this Court vide order dated 11.08.2023 passed in Cr. Misc. Nos. 49320 of 2023 and 51366 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is named accused in this case.

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 Sessions Judge-cum-Special Judge, Saran at Chapra in connection with Doriganj P.S. Case



No. 150 of 2021, 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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