

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64431 of 2022

Arising Out of PS. Case No.-454 Year-2022 Thana- SURSAND District- Sitamarhi

SEWAK KUMAR DAS @ SEVAK KUMAR DAS Son of Late Sonelal Das
Resident of Village - Shirkhandi Bhitha (Kantahi Tola), Ward No.- 06, P.S.-
Sursand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67949 of 2022

Arising Out of PS. Case No.-454 Year-2022 Thana- SURSAND District- Sitamarhi

MANISH KUMAR JHA @ MANISH KUMAR S/o Binay Jha R/o Village-
Shrikhandi Bhitha (Kantahi Tola), Ward no. 6, P.S.- Sursand, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68694 of 2022

Arising Out of PS. Case No.-454 Year-2022 Thana- SURSAND District- Sitamarhi

KISHUN DAS Son of Bindlal Das R/v- Shrikhandi Bhitha (Kantahi Tola),
Ward No. 6, P.S. Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4195 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- SURSAND District- Sitamarhi

ASHOK KUMAR JHA Son of Shri Shyam Bihari Jha Resident of Village-
Shrikhandi Bhithha, Kantahi Toll, Ward No.-6, P.S.- Sursand, District-
Sitamarhi

... .. Petitioner/s

Versus



The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64431 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

(In CRIMINAL MISCELLANEOUS No. 67949 of 2022)

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

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 68694 of 2022)

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 4195 of 2023)

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-06-2023 Heard Mr. Krishna Prasad Singh, learned Senior
counsel for the petitioner and learned APP for the State.

Petitioners seek bail, who are in custody since
09.09.2022, in connection with Sursand P.S. Case No. 454 of 2022,
F.I.R. dated 09.09.2022 registered for the offences punishable
under Sections 8/20(b)(ii)(C)/29 of Narcotic Drugs and
Psychotropic Substances Act.

Recovery is of 43.3 Kgs of *Ganja* from a tempo and
a ditch near the place of occurrence.

Learned Senior counsel for the petitioners submits
that the petitioners have clean antecedents and they have been
falsely implicated in the present case. He further submits that
from a bare perusal of the F.I.R. it appears that altogether 43.3
Kgs. of *Ganja* like substance was recovered from a tempo and a



ditch near the place of occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act and it appears from the F.I.R. itself that altogether five packets was recovered and there is no independent witness of the seizure list and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 09.09.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is Ganja but fairly submits that there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi, in connection with Sursand P.S. Case No. 454 of 2022, with the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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