

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72946 of 2023

Arising Out of PS. Case No.-559 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. SUJAY DAS SON OF MADHAW DAS RESIDENT OF VILLAGE - BAGADA, POLICE STATION - BAGDHA, DISTRICT - NORTH 24 PARGANA, (WEST BENGAL)
2. DEEPANKAR RAI SON OF NIRAPADO RAI RESIDENT OF VILLAGE - AKAIPUR, POLICE STATION - GOPALNAGAR, DISTRICT - NORTH 24 PARGANA, (WEST BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioners are in custody in connection with Mohania P.S. Case No. 559 of 2023 for the offence under sections 8(c), 22(c), 29 of the NDPS Act lodged on 11.08.2023 by the informant, Chandan Kumar.

3. As per the prosecution story, the police on duty made special raid and in course of vehicle checking, recovered/seized 200 liters of Phensedyl Cough Syrup from truck and 240 liters from 'godown'. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they being driver and cleaner, had no knowledge about the materials that have been loaded in the vehicle, they have already suffered



by being in custody since 12.08.2023 (as stated in paragraph 21 of the petition), do not have criminal antecedent and the recovered/seized 'codeine' quantity comes to 44 g which is less than the commercial quantity of 1 kg.

5. Learned APP opposes the prayer for bail though he concedes that the quantity recovered/seized is less than the commercial quantity.

6. Taking into account the aforesaid submissions put forward by the learned counsel for the petitioners as also their period of custody i.e. 12.08.2023, they being driver and cleaner and do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of learned Session Judge cum Special Judge, Kaimur (Bhabhua), in connection with Mohania P.S. Case No. 559 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 their bail bond by the Trial Court itself;

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

(iv) the petitioners 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 the bail bonds;

(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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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