

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73256 of 2023

Arising Out of PS. Case No.-671 Year-2022 Thana- PATNA RAIL P.S. District- Patna

RAJU GUPTA Son of Ramesh Kumar Gupta @ Ramesh Prasad Resident of
Pipe Line Bihia, P.S.- Bihia, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard Bhaskar Shankar, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in judicial custody in connection with Special Case No. 141 of 2023 arising out of G.R.P. Patna Junction (Rajendra Nagar) P.S. Case No. 671 of 2022 for the offence punishable under Sections 8/20 (b), (ii) (B) of NDPS Act lodged on 29.11.2022 by the informant, Khusboo Kumari.

3. As per the prosecution story, on suspicion that a person who was alighting from Dibugarh Rajendra Nagar Express was intercepted and upon search, 14.700 kgs. *ganja* was recovered/seized. He was Chandan Kumar who gave the name of the petitioner as the person who supplied the *ganja* which followed the FIR.

4. Learned counsel for the petitioner submits that the



alleged recovery was from Chandan Kumar and not from him and on his confession, his name has come in the FIR. Further, the said accused Chandan Kumar has been granted bail in Cr. Misc. No. 27879 of 2023 which is part of the petition as Annexure-2.

5. Learned APP opposes the prayer stating that he according to the FIR was supplier of the *ganja*.

6. Taking into account the fact that the recovery/seizure is below the commercial quantity, the person from whom the recovery took place (Chandan Kumar) has since been granted bail, as stated above, he is in custody since 16.5.2023 (para-4 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XVIII cum Special Judge, NDPS Act, Patna, in connection with Special Case No. 141 of 2023 arising out of G.R.P. Patna Junction (Rajendra Nagar) P.S. Case No. 671 of 2022 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



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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his 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 the 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 his bail bonds.

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

(Rajiv Roy, J)

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