

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73621 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- THAKURGANJ District- Kishanganj

1. RAJESH KUMAR NISAD @ RAJESH KUMAR NISHAD SON OF SUNDER LAL SINGH @ SUNDAR LAL SINGH RESIDENT OF VILLAGE- ITALBASTI (NITALBASTI) PS- THAKURGANJ, DIST- KISHANGANJ
2. SUNNY KUMAR SHAW @ KRISHNA SHAW SON OF KRISHNA SHAW RESIDENT OF VILLAGE- SATYA JEET RAY SARANI CHAMPADANI, HOOGLI (M) ANGUSH, PS- BHADRESWAR, DIST- HOOGLI (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-11-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Thakurganj P.S. Case No. 198 of 2023 for the offence punishable under Sections 17(b), 18(a), 21(b), 22(b) and 29 of the N.D.P.S. Act lodged on 8.9.2023 by the informant, Indrajeet Kundu.

3. As per the prosecution story, the police, upon secret information reached near Thakurganj Railway Station and intercepted some persons on suspicion. As they tried to escape, they were searched and beside the cash amount, 11.50 grams 'brown sugar' like substance were recovered/seized which followed the FIR/arrest.



4. Learned counsel for the petitioners submit that on the railway station, the police on wrong belief intercepted them and attributed this seizure of 'brown sugar' to them. Further, without any FSL report, they have come to the conclusion that it is 'brown sugar'. In any case, it is below the commercial quantity of 250 grams and they have already suffered by being in custody since 9.9.2023 (para-19 of the petition).

5. Learned APP on the other hand opposes the prayer stating that the petitioner no.1 has criminal antecedent of the same nature.

Considering the submission put forward by the parties as also that they have remained in custody since 9.9.2023 and the recovered/seized 'brown sugar' is below the commercial quantity, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (NDPS) Act, Kishanganj, in connection with Thakurganj P.S. Case No. 198 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 next 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 their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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