

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1133 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- PALANWA District- East Champaran

Subhash Patel Son of Kodai Patel R/v- Bheriharwa, Basantpur, P.S.- Kangali,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1433 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- PALANWA District- East Champaran

Ranjit Kumar Singh S/O Prem Kumar Singh Resident of village- Purandara,
P.S.- Palanwa (Bheldi O.P.), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1133 of 2023)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 1433 of 2023)

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since
30.07.2022, in connection with NDPS Case No. 62 of 2022
(arising out of Palanwa Bhelahi O.P. P.S. Case No. 166 of 2022),
F.I.R. dated 29.07.2022 registered for the offences punishable
under Sections 20(b)(ii)(b) of Narcotic Drugs and Psychotropic



Substances Act.

The case relates to recovery of 29.100 Kg. of *Ganja*.

Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list that altogether 29.100 Kg. of Ganja was recovered from the possession of the petitioners and other co-accused persons. Learned counsel for the petitioners further submits that from perusal of the F.I.R. as well as seizure list it appears that 200 grams of Ganja was recovered from the possession of petitioner namely Subhash Patel and 300 grams of Ganja was recovered from the possession of the petitioner namely Ranjit Kumar Singh and the same is not perviewed the commercial quantity. The petitioners are in custody since 30.07.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners and submits that altogether 29.100 Kg. of contraband was recovered from the possession of the petitioners and other co-accused persons and the FSL report confirms that the recovered contraband is Ganja.

Learned counsel for the petitioners submits that FSL report has come after filing of the chargesheet and chargesheet



has been filed prior to the FSL report. He further submits that co-accused namely Pannalal Sah has been granted bail by a Coordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No. 37638 of 2023 and the petitioners are in custody since 30.07.2022.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail, **after framing of charge**, 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 Sessions Judge cum Special Judge, Motihari, East Champaran, in connection with NDPS Case No. 62 of 2022 arising out of Palanwa Bhelahi O.P. P.S. Case No. 166 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 tamper 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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