

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3918 of 2024

Arising Out of PS. Case No.-375 Year-2023 Thana- RIGA District- Sitamarhi

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1. Sanjay Kumar Yadav Son of Rambali Rai R/o vill - Sakraul, ward no. 7, P.S. - Simra, Distt. - Sarlahi (Malangawa) (Nepal)
 2. Sanjay Kumar Yadav Son of Upendra Rai R/o vill - Sakraul, ward no. 7, P.S. - Simra, Distt. - Sarlahi (Malangawa) (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Riga P.S. Case No. 375 of 2023 instituted for the offences under Sections 414 of the Indian Penal Code and Section 8/20 (b) (ii) (B) of the Narcotic Drug & Psychotropic Substances Act, 1985.

3. As per prosecution case, total 6 Kgs. Ganja wrapped in a polythene bag along with a theft motorcycle were recovered from the possession of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. He further submits that nothing incriminating



article has been recovered from the conscious possession of the petitioners and the petitioners have no concern with the recovered contraband Ganja nor with the recovered motorcycle. The petitioners have no criminal antecedent and are languishing in judicial custody since 10.09.2023. Charge-sheet has been submitted in this case. He further submits that there is non-compliance of Section 100 of the Cr.P.C. while preparing the seizure list. He further submits that the quantity of Ganja recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is also no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody as also the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Riga P.S. Case No. 375 of 2023, subject to the conditions that;



(i) One of the bailors shall be own/close member of the family of the petitioners.

(ii) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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