

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4384 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- KORHA District- Katihar

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1. Dharmendra Kumar @ Dharmendra Kumar Rajak Son Of Narayan Rajak Resident Of Village- Gerabari, Ps- Korha, Dist- Katihar
 2. Md. Shamsheer Son Of Md. Abid Resident Of Village- Amol, Ps- Falka, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 29-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Korha P.S. Case No. 342 of 2023 dated 01.09.2023, lodged
under Sections 8, 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against four named accused persons including the
present petitioners. The total recovery of 4.40 gm smack is the
subject of the present case.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. He
submits that from the possession of petitioner no. 1, the total

recovery of 10 *pudiya* and from the possession of petitioner no. 2, the total recovery of 9 *pudiya* weighing 1.5 gm and 1.35 gm respectively has been made. He further submits that the said quantity is below the smaller quantity. He further submits that the petitioners are in custody since 02.09.2023 having clean antecedents. He further submits that the other co-accused person has been granted bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 10897 of 2024.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail (**only after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar in connection with Korha P.S. Case No. 342 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show their *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 bonds by the trial Court itself;

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

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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