

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8468 of 2024

Arising Out of PS. Case No.-333 Year-2022 Thana- DUMRAO District- Buxar

=====

Hanuman Rai @ Sunny Rai Son of Vishnu Dayal Rai R/o Lalganj Karvi,
ward no. 03, P.S. - Dumraon, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Amit Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-04-2024 Heard Mr. Rama Kant Sharma, learned Senior

Counsel for the petitioner and Mr. Bharat Bhushan, learned APP

for the State.

2. The petitioner is an accused in connection with
Dumraon P.S. Case No. 333 of 2022 registered for the offences
under sections 20(B) (ii)(c), 27(a) and 29 of the NDPS Act
lodged on 31.07.2022 by the informant, Bindeshwar Ram.

3. As per the prosecution story, the informant namely
Bindeshwar Ram, who happens to be S.I. cum S.H.O. Dumraon,
Police Station lodged FIR stating therein that on 30.07.2022, he
got secret information that Kundan Rai of village Karvi, Ward
No. 3, who runs General store at Railway Station has brought



"Ganja" and he is at his home right now. For verification of the information and to take appropriate action, the informant proceeded for the place of occurrence with other police personnel and CO Dumraon under the direction of higher official.

4. After reaching village Karvi, the informant found the house of Kundan Rai and surrounded the same. Informant further alleged that he couldn't find any independent witness due to night and as such searched the house in the presence of the members of raiding team as witnesses, After search being made, the police team recovered 4 packets of "Ganja" kept beneath the bed and some loose "Ganja" in a white colour plastic bag.

5. Informant saw one person there who disclosed his name as Fateh Lal Rai @ Kundan Rai and after asking about "Ganja" he confessed that he runs a shop at Station where he sells the said "Ganja". After weighing the recovered "Ganja", the police team found the weight of "Ganja" (i) 5 KG and 900 Grams (ii) 4 KG and 400 Grams (iii) 5 KG and 900 Grama (iv) 4 KG and 900 Grams from all four packets and 2 KG loose "Ganja" total 23 KG and 100 Grams Ganja. The Police team also recovered packets to pack the Ganja weighing 1 KG and 100 Grams and a Mobile phone from Kundan Rai. Recovered



articles were seized and seizure list prepared. Accordingly, the FIR.

6. The contention of the learned Senior Counsel is that he is brother of Kundan Rai whose house was raided and the alleged recovery made. This petitioner was made an accused in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 372 of 2022 under sections 20 and 22 of the NDPS Act in which he being brother of Kundan Rai, the police took forced confession in the present case also and after he was granted relief in the previous case by a coordinate bench on in Cr. Misc. No. 65904 of 2022 that he was arrested on 7.11.2023. He reiterates that the house does not belong to him, he lives separately and there is no recovery from him. The last submission is that said Kundan Rai is now on bail vide Cr. Misc. No. 34919 of 2023.

4. Learned APP opposes the prayer stating that both the brothers are in the same illegal business and while in custody in connection Dumraon (Naya Bhojpur O.P.) P.S. Case No. 372 of 2022 he made a confession and accordingly, he was taken into custody in the present case.

5. Having gone through the facts of the case and the submissions put forward by the parties, admittedly, the



recovery/seizure has been shown from the Kundan Rai, as per the petitioner, he lives separately, the so called confession is before the police, is in custody since 7.11.2023 (para-14 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned District and Sessions Judge cum Special Judge, NDPS, Buxar, in connection with Dumraon P.S. Case No. 333 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 one year 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.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

