

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10307 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- DARPA District- East Champaran

Chuman Kumar @ Chuman Patel Son of Chandradev Patel @ Chandradeo
Raut Resident of Narkatiya Bazaar, P.S. Darpa, District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Perna Rishi, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard Mrs. Perna Rishi, learned Counsel for the
petitioner and Mr. Ram Naresh Ray, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Darpa P.S. Case No. 88 of 2023 for the offence registered under sections 20(B)(ii)(c) and 23(c) of the N.D.P.S. Act lodged on 03.08.2023 by the informant Samrjit Singh.

3. As per the prosecution story, the informant alleged that upon secret information of smuggling of ‘ganja’, reached the Narkatiya Bazaar village, saw a person with plastic bag, intercepted and recovered/seized 6.750 kg of ‘ganja’. He disclosed that the item belonged to the petitioner herein who had purchased it from Nepal and was bringing it. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



admittedly, the recovery/seizure is from Brajkishore Mukhiya, nothing has been recovered from this petitioner and/or his house and only under the duress of the police, his name has cropped up. Further, he is ready to co-operate in the investigation and appear in the trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the '*ganja*' recovered was intended for this petitioner.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner do not have criminal antecedent, the recovery is admittedly from Brajkishore Mukhiya, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran in connection with Darpa P.S. Case No. 88 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 six months to mark 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 the bail bonds.

(Rajiv Roy, J)

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