

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21935 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- ADHAOURA District- Kaimur (Bhabua)

1. Sri Bhagwan Singh Son of Suryanath Singh Resident of Village- Baghaila, P.S.- Chainpur, Dist.- Kaimur at Bhabua
2. Balwant Yadav Son of Suryanath Singh Resident of Village- Baghaila, P.S.- Chainpur, Dist.- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
N.D.P.S. Case Reg. No.10 of 2024 arising out of Adhaura P.S.
Case No.68 of 2023 lodged under Sections 8(C) /20(b)(ii)
(c)/22/27(A) of the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against six named accused persons including the present
petitioners in which five persons were apprehended by the
police and 4 kg ganja have been recovered, which is subject
matter of the present case.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. He
submits that upon bare reading of F.I.R., it is crystal clear that
the driver of the vehicle has disclosed to the police about the
present petitioners that they have called the driver near Telhar



Kund for delivery of the said ganja.

5. Counsel further submits that the petitioners have not been apprehended with the conscious possession of ganja. From the seizure list, it is also clear that this is absolutely defective seizure list at the compliance of Section 100 of the Cr.P.C., has not been applied.

6. Counsel for the petitioners submits that the petitioners are in custody since 10.11.2023 having clean antecedent and charge-sheet has already been framed in this case. He also submits that no purpose shall be served keeping the petitioners in custody.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-5th, Kaimur at Bhabua or other transferee court in connection with N.D.P.S. Case Reg. No.10 of 2024 arising out of Adhaura P.S. Case No.68 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with



other following conditions:-

(i) one of the bailor 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 petitioners 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.

(Dr. Anshuman, J.)

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