

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46565 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- GOPALPUR District- West Champaran

Surenbra Raut Kamkar Son of Mahadev Raut Kamkar R/O Vill.- Biranchi
Barwa, P.S.- Pokhariya, Dist.- Parsa, Nepal

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Gopalpur P.S. Case No. 33 of 2024 for the offence punishable under Sections 8/20(b)(ii)(c), 23(c), 29 of the Narcotic Drugs and Psychotropic Substances Act lodged on 19.03.2024 by the informant, Rajan Kumar.

3. As per the prosecution story, the police upon secret information, went to a crossing and saw two persons tried to escape on a motorcycle. They were apprehended and disclosed their names as Surenbra Raut Kamkar (petitioner herein) and Prabhu Singh and from joint possession, there is recovery/seizure of 15.530 kgs *ganja*. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only to implicate, this allegation. Further, even otherwise the



commercial quantity is 20 kgs and joint possession shows 15.530 kgs. Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that on interception, there is recovery of 15.530 kgs of *ganja* though he concedes that the commercial quantity is 20 kgs.

6. Considering the aforesaid facts as also that the recovery is less than the commercial quantity, this petitioner has no criminal antecedent and further he is in custody since 19.3.2024 (para-4 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge/Special Judge, West Champaran at Bettiah, in connection with Gopalpur P.S. Case No. 33 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 month 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	
---	--	---	--

