

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58444 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- MANPUR District- West Champaran

Prakash Kumar Son of Suresh Sahni R/O Thaukaha, P.S.- Bhangaha, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Manpur P.S. Case No. 30 of 2024 for the offence punishable under sections 413 and 414 of the Indian Penal Code and Sections 8, 20(b), (ii) (B), 22(b) and 23(b) of the NDPS lodged on 11.05.2024 by the informant, Pooja Kumari.

3. As per the prosecution story, the informant alleged that having found motorcycle riders coming from Nepal, intercepted and there is recovery/seizure of 12 kg of ganja. Accordingly, the arrest/FIR.

4. Learned counsel for the petitioner submits that the motorcycle does not belong to him nor he has any knowledge of the presence of *ganja* and only because of moving at that place, implicated. He is in custody since 12.05.2024 (paragraph-15 of



the petition), has no criminal antecedent and the recovered material is below the commercial quantity.

5. Learned APP opposes the prayer for bail submitting that the accused was caught alongwith the 12 kg of *ganja*.

6. Considering the submissions put forwarded by the parties as also the fact that it is below the commercial quantity, the petitioner does not own the motorcycle, FIR lodged and will be facing the trial, 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (NDPS), Bettiah, West Champaran, in connection with Manpur P.S. Case No. 30 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/her 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 six months 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)

Adnan/-

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