

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64256 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

1. Monu Kumar @ Monu Kumar Singh Son of Ram Parikha Singh Resident of Village - Chauri, P.S. - Chand, District- Kaimur (Bhabua)
2. Sonu Kumar Singh Son of Ram Parikha Singh Resident of Village - Chauri, P.S. - Chand, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra, Adv

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seeks regular bail in connection with Bhabua P.S. Case No. 87/2024 lodged on 05.02.2024 under Section 8(C) , 20(b)(ii), 27(a), 29 of the Indian Penal Code.

3. As per the prosecution case, F.I.R. has been lodged against both the petitioners against whom there is an allegation of recovery of 5.6 Kg of Ganja.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has committed no offence. Counsel further submits that the criminal antecedent of the petitioners are clean and the petitioners are in custody since 10.07.2024.



Counsel submits that as per the F.I.R. petitioners were made accused and police has recovered the said material from the house of one Rampravesh Singh in which both the petitioners were residing as tenant and when police has conducted raid, both the petitioners have fled away from the house by jumping the boundary wall. He submits that there are two independent witnesses whose description has been made in the F.I.R. Counsel submits that the said two witnesses are well known to the petitioner and resident of the same village. Counsel submits that the place from which the recovery has been made is an open place and within the reach of the public at large which is said to be *Dallan*. Counsel further submits that petitioners are student and unnecessary being made accused in this case. He further submits that the recovery is more than smaller quantity but much below the commercial quantity.

5. Learned APP for the State opposes the prayer for bail and submits that it is already been alleged in the F.I.R. that the petitioners were tenant and recovery has been made in the inner part of the hall i.e. *Dallan*.

6. In the present facts and circumstances of this case and considering the fact that antecedents of the petitioners are clean, let the petitioners above named be granted bail *after*



framing of charge, if the charge is not framed yet and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge-cum-special Judge, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 87/2024 subject to the condition laid down under Section 437(3).

(Dr. Anshuman, J)

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