

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72071 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- ARA RAIL P.S. District- Bhojpur

Prithvi Raj Basumtari Son of Shastri Kishore Basumati Village- Hengrabari P
S- Dishpur District- Kamrup Matra Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard Ms. Sweta, learned counsel for the petitioner
and Mr. Md. Matloob Rab, learned APP for the State.

2. The petitioner is in custody in connection with Rail
Ara P.S. Case No. 61 of 2024 for the offence under Sections 8,
20(B)iiC, 22, 18 of the N.D.S.L. Act lodged on 21.06.2024 by
the informant, Sumit Kumar.

3. As per the prosecution story, the police on
information, H-1 AC coach was raided and there is
recovery/seizure of 20.05 kg ganja. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it
has been recovered from an open place/coach but forcible
confession was taken from the petitioner which laid to his being
in custody since 20.06.2024 (para-1 of the petition). The further
submission is that the commercial quantity is 20 kg and only to



put him behind bar deliberately, 0.5 gram has been increased. It is her further submission that still there is nothing on record to show that it is ganja. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that he has made a confession.

6. Considering the aforesaid facts/submissions and also that he has remained in custody since 20.06.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail after framing of charges.

7. Let the petitioner be released on bail after farming of charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDSL Act, Bhojpur in connection with Rail Ara P.S. Case No. 61 of 2024 subject to the following conditions:

(1) 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 the 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 bail bond.

(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)

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