

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70166 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Bablu Ram Son of Late Yogendra Ram @ Late Yogendar Ram Resident of
Village - Shankarpur, P.S.- Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kusheshwar Asthan P.S. Case No. 84 of 2024 (N.D.P.S. Case
No. 14 of 2024) registered for the offences punishable under
Sections 20, 22 of N.D.P.S. Act.

3. As per prosecution case, petitioner is said to have
apprehended on the spot and 2 kg ganja was recovered from
dickky of motorcycle in question.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case. Petitioner is in custody since 13.04.2024 and bears no



criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on the alleged date of occurrence, the petitioner was riding the motorcycle without wearing helmet and as such he was stopped by the police due to which petitioner became aggressive and hot talk took place between them and police has falsely implicated the petitioner in the present case. He further submits that basically nothing was recovered from possession of the petitioner. He further submits that alleged recovery of 2 kg. ganja is more than small quantity and much less than commercial quantity.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Darbhanga in connection with Kusheshwar Asthan P.S.



Case No. 84 of 2024 (N.D.P.S. Case No. 14 of 2024), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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