

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77597 of 2024

Arising Out of PS. Case No.-790 Year-2024 Thana- Excise P.S. District- Aurangabad

Sajan Kumar Son of Dhanji Chaudhary R/O village- Tarar, P.S-Nokha,
District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-11-2024 Heard Mrs. Mukul Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Excise P.S. Case No. 790 of 2024 for the offence punishable
under sections 20(b) and 22 of the NDPS Act lodged on
16.08.2024 by the informant, Priyaranjan Bharti.

3. Allegation by the Police in the FIR is that upon
checking the vehicle, one bus was intercepted and there is
recovery/seizure of 18 kg of *ganja*. Those present in the bus
pointed fingers toward this petitioner which led to his arrest
followed by FIR.

4. Learned counsel for the petitioner submits that it
has been found in the bus and not from his conscious possession
but those present inside, named him which led to his



implication. He do not have any criminal antecedent and is in custody since 16.08.2024 (paragraph-16 of the petition).

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer for bail submitting that though the recovery/seizure is below the commercial quantity, his name has come in the FIR as the person who had kept the bag in the bus.

6. Considering the submissions put forwarded by the parties as also the fact that nothing has been recovered from his conscious possession, in any case, it is below the commercial quantity, is in custody since 16.08.2024 and do not have any criminal antecedent, 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 Special Judge (NDPS)-cum-1st Addl. Dist & Session Judge, Aurangabad, in connection with Excise P.S. Case No. 790 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 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)

Adnan/-

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