

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77618 of 2024**

Arising Out of PS. Case No.-254 Year-2024 Thana- BARACHATTI District- Gaya

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1. Balwinder Singh @ Balwender Singh Son of Jago Singh @ Jega Singh Resident of Village- Jatpur, Police Station- Balchor, District- Navashahar (Punjab), Pin Code-144521.
  2. Jarnel Singh Son of Bachna Ram Resident of Village- Jalwaha, P.S.- Rahod, District- Navashahar (Punjab), Pin Code-144515.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Gajendra Nath Ojha, Advocate  
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      11-11-2024                      Heard the parties.

2. The petitioners are in custody in connection with Barachatti P.S. Case No. 254 of 2024 for the offence punishable under Sections 18, 20, 22(b) of the NDPS Act lodged on 18.05.2024 by the informant, Ashish Bharti.

3. As per the prosecution story, the informant alleged that in course of patrolling, intercepted a truck and recovered/seized 35 kg Doda powder. The petitioners being the driver and cleaner were taken into custody, following the FIR.

4. Learned counsel for the petitioners submit that they had loaded the materials without any realization that 35 kg Doda powder is present in the truck. Further, the recovery/seizure is 35 kg which is below the commercial quantity of 50 kg, they are in custody since 18.05.2024 (paragraph-4 of the petition) and



they have no criminal antecedent. It has been categorically submitted by the learned counsel for the petitioners that if granted bail, they shall be diligently appearing in trial and will put forward one of the bailor as native/local of Bihar.

5. Learned APP opposes the prayer for bail submitting that though the seized material is below the commercial quantity, the fact remains that 35 kg Doda powder has been recovered from the truck which was driven/being accompanied by the petitioners.

6. Considering the submissions put forwarded by the parties as also the fact that the seized material is below the commercial quantity of 50 kg, both are natives of Punjab, have remained in custody since 18.05.2024, have no criminal antecedents, an undertaking has been given that they shall be diligently appearing in trial and would also put forward one of the bailor as native of Bihar, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners 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 Sessions Judge-cum-Special Judge NDPS Act, Gaya, in connection with Barachatti P.S. Case No. 254 of 2024 subject to the following



conditions:

(i) one of the bailor should be the family member/relative/native of Bihar who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Rajiv Roy, J)**

Adnan/-

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