

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79684 of 2023

Arising Out of PS. Case No.-404 Year-2021 Thana- BIDUPUR District- Vaishali

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JAI PRAKASH RAI @ JAI PRAKASH RAY, SON OF LATE MOTI RAI,
RESIDENT OF VILLAGE- KUTUBPUR, P.S.- BIDUPUR, DISTRICT-
VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
		Ms. Bharti Rai, Advocate
		Mr. Raushan Raj, Advocate
For the Opposite Party/s :		Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with N.D.P.S G.R. no. 50/2021, arising out of Bidupur P.S. Case no. 404 of 2021 registered under sections 20(b)(ii)(C), 23(c), 27A and 29 of the N.D.P.S Act.

3. The earlier application for bail of the petitioner was rejected vide order dated 17.1.2023 (Annexure-P/1) passed in Cr. Misc. no. 2646 of 2022.

4. As per the prosecution case, four bundles of *ganja* totaling 29.242 kgs was recovered from the house of the petitioner.



5. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from the petitioner's house. The petitioner is in custody since 20.8.2021 and has no criminal antecedent. Further, similarly situated co-accused ie the son of the petitioner herein namely Ramesh Rai has been enlarged on bail vide order dated 6.10.2023 passed in Cr. Misc. no. 53971 of 2023.

6. The application for bail is opposed by learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 6.1.2024, two witnesses have been examined on behalf of the prosecution out of the five charge-sheet witnesses. With respect to the other witnesses summons and bailable warrant have been issued for their appearance.

8. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, the petitioner being in custody since 20.8.2021, not having any criminal antecedent and grant of bail to the above named co-accused Ramesh Rai, the petitioner is directed to be enlarged on bail in connection with N.D.P.S G.R. no. 50/2021 (arising out of Bidupur



P. S. Case 404 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Vaishali at Hajipur on the following conditions :-

(I) The petitioner shall remain physically present in the trial court on each date of the case/trial and shall cooperate in the trial.

(II) In case, the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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