

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81062 of 2024

Arising Out of PS. Case No.-555 Year-2024 Thana- MANER District- Patna

Rupan Rai @ Rupan Ray S/o- Late Birju Rai Resident of Village-
Chhitnawan, Police station Maner, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotics Control Bureau, Govt. of India, Patna
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Maner P.S. Case No. 555 of 2024 for the offences punishable under Sections 8©, 20(B)IIA, 21(a), 29 of the NDPS Act, lodged on 21.08.2020 by the informant, Sanjay Kumar Chaudhary.

3. As per the prosecution story, the police upon information reached Mahinawa Bazar, one person, namely Harendra Rai tried to escape, apprehended. In the presence of the Magistrate, 10 pouches were recovered having 2.5 grams in it. Thereafter, the raiding team reached Chitnawa and apprehended Supan Rai and Rupan Rai (petitioner herein) who ran their tea-shops and side by side also sell Ganja, upon raid



while 65.61 Ganja was recovered from the possession of Supan Rai, from this petitioner there is recovery/seizure of 26.81grams Ganja. This led to their arrest/FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather from a tea-shop which is an open place accessed by everyone. Further, the recovery/seizure is of 26.81 grams Ganja which is below the small quantity, has remained in custody since 23.08.2024 (para-14 of the petition).

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that so far this petitioner is concerned, the recovery/seizure from him is of 26.81 grams Ganja which is below the small quantity, is in custody since 23.08.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District & Sessions Judge, Patna in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 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 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)

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