

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79445 of 2024

Arising Out of PS. Case No.-301 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

Rajendra kharwar S/O Bihari Kharwar R/O Vill-Nainijor Mahur (Bhojpur
Shahpur Patti), P.S-Nainijor, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Buxar Muffasil P.S. Case No. 301 of 2024 for the offence punishable under sections 319(2), 318(4), 308(2), 204, 205 of B.N.S and 20(b)(ii)A of N.D.P.S. Act lodged on 17.09.2024 by the informant, Chandan Kumar Yadav.

3. As per the prosecution story, the informant alleged that upon secret information, it raided a stall and recovered/seized 10 gram of 'ganja'. The information was also that he used to extort money by putting on police uniform and accordingly, the house was raided and there is recovery of the uniform. This led to the FIR.

4. Learned counsel for the petitioner submits that the police has made out a case only because he has criminal



antecedent, implicating him with recovery of 'ganja' as also uniform, he has already suffered by being in custody since 17.09.2024 (para 15 of the petition) and if granted bail, shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that the allegation against him was found true which resulted into his arrest.

6. Taking into account the submissions put forward by the parties as also the fact that recovery is 10 gram of ganja along with the ganja for which he has remained in custody since 17.09.2024, has undertaken to diligently appear in trial, 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 Principal District and Sessions Judge cum Special Judge N.D.P.S Act in connection with Buxar Muffasil P.S. Case No. 301 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)

Vijay Singh/-

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