

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81009 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- RAJPUR District- Buxar

Hanuman Gupta Son of Vidyarthi Gupta @ Vidyarthi Sah Resident of Village
- Rampur, P.S. - Rajpur, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 81101 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- RAJPUR District- Buxar

1. Kamlesh Rai @ Kamlesh Rajbhar S/O Vijay Rai @ Vijay Singh @ Vijay Narayan Rajbhar R/O Village- Jalilpur, P.S.- Rajpur, District- Buxar
2. Vijay Rai @ Vijay Singh @ Vijay Narayan Rajbhar S/o Late Chandrama Rai @ Late Chandrama Rajbhar R/O Village- Jalilpur, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 81009 of 2024)
For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 81101 of 2024)
For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard the parties.

2. The petitioners are in custody in connection with
Rajpur P.S. Case No. 297 of 2024 for the offence under Sections
20(b)(ii)(b)/22/27A/29 of the N.D.P.S. Act lodged on
20.09.2024 by the informant, Ram Ishwar Kumar.



3. As per the prosecution story, the police, upon secret information, raided the house of petitioners Kamlesh Rai/Vijay Rai (in Cr. Misc. No.81101 of 2024) and there is recovery/seizure of 1.762 Kg ganja (wrongly recorded in the FIR as 2Kg). Both were arrested and on their further information, petitioner Hanuman Gupta (in Cr. Misc. No. 81009 of 2024) has just purchased some ganja, his shop was also raided and there is recovery/seizure of 152 gram ganja and 18 pieces of (*Chilam*).

4. Learned counsel for the petitioners submits that Hanuman Gupta and Kamlesh Rai have no criminal antecedent while Vijay rai has one criminal antecedent. Further, so far as recovery from shop of Hanuman Gupta is concerned, it is an open place as the shop is accessible by everyone, again so far as recovery from house is concerned, it is a joint property. The last submission is that it is below the small quantity in case of Hanuman Gupta and below commercial quantity in case of Kamlesh Rai and Vijay Rai.

5. Learned APP opposes the prayer for bail submitting that there is recovery/seizure of ganja/*chilam* from their conscious possession.

6. Taking into the account the submission put forwarded by the parties as also the fact that the recovery



/seizure is below from the commercial quantity and they are in custody since 21.9.2024, in that background, 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 Principal District and Sessions-Cum-Special Judge, N.D.P.S. Act, Buxar in connection with Rajpur P.S. Case No. 297 of 2024 subject to the following conditions:

(1) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark their 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 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)

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