

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84390 of 2023

Arising Out of PS. Case No.-428 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

Ravi Shankar Pathak Son Of Bimlesh Pathak R/O Vill - Balha Nand Nagar,
P.S. - Rosera, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sujit Kumar Singh, Advocate
		Ms. Bela Singh, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
PTN (NDPS) Case No.347 of 2023, arising out of Laheriasarai
P.S. Case No.428 of 2023, lodged on 08.09.2023, under
Sections 8(c)/20(b)(ii)(c)/22(c)/23(c)/25/29 of the N.D.P.S. Act.

3. As per the prosecution, FIR has been lodged against
three named accused persons against whom the allegation is that
there was demand of Rs.50,00000/- (rupees fifty lakhs) from the
mobile from one Dr. Manoj Kumar, who used to run Euro Stone
Research Centre, Alalpatti at Darbhanga. It has also been
mentioned in the FIR that accused persons were arrested from a
car and from the backside of the car 1100 gms Ganja has also



been recovered along with certain mobiles.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the mobile number from which the call has come to the informant does not belong to him. He submits that it is true that the car which has been apprehended belongs to the petitioner and he is the owner of the said car., but he specifically pleaded and argued that the police has implanted the said Ganja in his car on the reason that the said car is alleged to have been seized by the police on 07.09.2023 itself. The petitioner was also apprehended on the said date but from the seizure list it is true that the seizure list has been prepared at the next date at about 1:30 PM in which 1100 gms is alleged to have been recovered from the car of the petitioner and he was taken away from the Niraj Kirana Store, Block Road, Rosera, Samastipur, and it shall be very much clear from the CCTV of Niraj Kirana Store. But even after information provided by the I.O. he has refused to investigate the same only due to the reason that the falsity of the I.O. shall be discovered. Learned counsel for the petitioner submits that the said Ganja of 1100 gms, which is above the small quantity. The petitioner is in custody since 09.09.2023. There is one criminal antecedent of the petitioner other than



N.D.P.S. Act in which he is on bail. Charge sheet has already been filed in this case.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Darbhanga, in connection with PTN (NDPS) Case No.347 of 2023, arising out of Laheriasarai P.S.Case No.428 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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