

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82059 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- RUPO District- Nawada

Rampukar Tiwari S/o- Late Yadunandan Tiwari Resident of Village- Rupao
Ps- Rupao District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024 Heard Mr. Sheo Kumar Prasad, learned Counsel for
the petitioner and Dr. Mrityunjaya Kr. Gautam, learned APP for
the State.

2. The petitioner is in custody in connection with
Rupao P.S. Case No. 93 of 2024 for the offence punishable
under Sections 8, 20, 22 of the N.D.P.S. Act corresponding to
P.T. No. 2595 of 2024 lodged on 06.10.2024 by the informant,
Vinay Kumar.

3. As per the prosecution story, the informant alleged
that upon secret information, the shop of the petitioner was
raided and there is a recovery/seizure of 578 gram Ganja. Upon
his information, the shop of Madan Singh was also raided and
recovery/seizure of 1.295 kg Ganja. The police totaled it as
1.873 kg Ganja which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that

the shop is an open place and being accessed by everyone, he had nothing to do with it, has no criminal history but got implicated. He is in custody since 07.10.2024 (paragraph no.-7 of the petition). Further submission is that in any case it is below the commercial quantity envisaged in the NDPS Act, 1985.

5. Learned APP opposes the prayer for bail submitting that on his information, the shop of other accused person was raided and, as such, it totals 1.873 kg Ganja. He, however, concede that even then it is below the commercial quantity.

6. Taking into account the submissions put forward by the parties as also the fact that he do not have criminal antecedent, FIR lodged and will be facing the trial. The recovery/seizure made is below the commercial quantity, in that background, 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) with two sureties of like amount each to the satisfaction of learned Principal District and Sessions Judge, Nawada in connection with Rupau P.S. Case No. 93 of 2024, P.T.N. No. 2595 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 six months 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.)

Jyoti Kumari/-

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