

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83701 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- CHAND District- Kaimur (Bhabua)

Shiv Kumar @ shivkumar S/O Ram Ashish Bind R/O Village- Chandos
Maraye, P.S.- Chand, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-12-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Chand P.S. Case No. 172 of 2024 for the offence punishable under Sections 8(C), 20b (ii) (B) 27(A), 29 of the NDPS Act and 30(A) of the Bihar Prohibition and Excise Act lodged on 19.08.2024 by the informant, Pawan Kumar Yadav.

3. As per the prosecution story, the informant alleged that upon secret information, the house was raided and there is recovery/seizure of 1.969 kgs of 'ganja' as also 5.200 liters of country made liquor. This led to the FIR, arrest.

4. Learned counsel for the petitioner submits that the recovery/seizure is from the joint house and not from his conscious possession, he has no criminal antecedent and is in custody since 19.08.2024. Further, if granted bail, he shall be



diligently appearing in trial.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also that nothing has been recovered from his conscious possession rather from the joint house, is in custody since 19.08.2024 having no criminal antecedent, 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 Sessions Judge cum Special Judge, Kaimur at Bhabhua, in connection with Chand P.S. Case No. 172 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 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 next 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)

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