

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47184 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- GOPALPUR District- West Champaran

Prabhu Singh SON OF Durga Singh VILLAGE- KANI BALUA, PS-
POKHARIYA DIST- PARSA (NEPAL)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 04-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Gopalpur P.S. Case No. 33 of 2024 for the offence punishable under Sections 8/20(b)(ii)(c), 23(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act lodged on 19.03.2024 by the informant, Rajan Kumar.

3. As per the prosecution story, the police upon secret information, went to a crossing and saw two persons trying to escape on a motorcycle. They were apprehended and disclosed their names as Surendra Raut Kamkar and Prabhu Singh and from their joint possession, there is recovery/seizure of 15.530 kgs *ganja*. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is below the commercial quantity of 20 kgs, he



do not have any criminal antecedent, remained in custody since 19.03.2024 (paragraph-4 of the petition) and further, the co-accused namely, Surendra Raut Kamkar who had also been arrested, was granted relief in Cr. Misc. No. 46565 of 2024.

5. Let the same be kept on record.

6. Learned APP opposes the prayer for bail, though concede that it is below the commercial quantity.

7. Considering the submissions put forwarded by the parties as also that he is in custody since 19.03.2024 having no criminal antecedent and a similar situated co-accused has been granted relief, as stated above, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Sessions Judge/Special Judge, West Champaran at Bettiah, in connection with Gopalpur P.S. Case No. 33 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)

Adnan/-

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