

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77467 of 2024

Arising Out of PS. Case No.-184 Year-2024 Thana- JOGBANI District- Araria

Md. Sohel @ Md. Sohil son of Md. Kalam VILL- SONAMANI GODAM PS
-SONAMANI GODAM DIST -ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Jogbani PS Case No. 184/24 for the offences punishable under Section 20(b), II (b) of the NDPS Act, lodged on 27.08.2024 by the informant, Bappditya Chakravarty.

3. As per the prosecution story, the informant alleged that the police upon information intercepted an Auto and there is recovery/seizure of 08 Kgs of Ganja from it. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he being the owner of the vehicle-cum-driver had little realization that the passenger who was sitting behind was carrying the material, at the sight of the police he escaped and the petitioner got implicated. In any case, the recovery/seizure is below the



commercial quantity of 20 Kgs, he has no criminal antecedent and is in custody since 28.08.2024 (para-17 of the petition).

5. Learned APP opposes the prayer submitting that he being the owner of the vehicle cannot exonerate himself from the responsibility.

6. The allegation is there, recovery/seizure is below the commercial quantity, the FIR has been lodged, he will be facing the trial, has no criminal antecedent and remained in custody since 28.08.2024 (para-17 of the petition), this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 District and Sessions Judge, Araria in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 month 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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