

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 4368 of 2024

Ramchandra Paswan @ Santosh Paswan

..... Petitioner

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Anupam Anand, Advocate

Mr. Pranav Kumar, Advocate

For the State : Mrs. Kumari Rashmi, A.P.P.

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Order No.05/ Dated:28.06.2024

1. Heard learned counsel for the parties.
2. The petitioner has been made an accused in connection with Kunda P.S. Case No. 02 of 2015 (NDPS Case No. 33 of 2022), registered for the offence under Section 8(c), 18, 20 & 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985, pending in the court of learned Additional District & Session Judge-V, Chatra.
3. As per FIR, informant along with other police personnel after receiving secret information reached village Margada where they found opium crops on one acre of land. It is alleged that said opium plantations were done jointly by the accused persons. Thereafter, keeping five opium plants as sample, remaining were destroyed on the spot and the same were seized. Thereafter, in the East Canal, opium crop was found in ten Kattha land which was cultivated by Kariman Bharti, Deepak Bharti, Jageshwar Ganjhu and Basant Ganjhu. Further at two more places opium poppy plantations were found to have been done by other co-accused persons of the case about whom it is alleged that they were also found engaged in cultivation of opium plantations on the above land.
4. Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in the FIR. It is submitted that similarly situated Co-accused, namely Nemdhari Ganjhu person has been granted regular bail by the Co-ordinate Bench of this Court in B.A. No. 4025 of 2018 vide order dated 02.08.2018. Petitioner has no criminal antecedent.

The petitioner is languishing in Judicial custody since 08.04.2024 without any rhymes and reasons. Petitioner undertakes to co-operate in the trial of the case by remaining physically present as and when required and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution, hence, the petitioner may be enlarged on bail.

5. Learned A.P.P appearing on behalf of State as per direction has filed counter affidavit and has opposed the prayer for bail of the petitioner and submitted that there are sufficient materials against the petitioner showing his involvement in the present case, hence he does not deserve bail.

6. Considering the facts and circumstances of the case and also in view of the fact that other Co-accused person with similar allegation have been granted regular bail by the Co-ordinate Bench of this Court, I am inclined to release the petitioner, on bail. Accordingly, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Additional District & Session Judge-V, Chatra in connection with Kunda P.S. Case No. 02 of 2015 (NDPS Case No. 33 of 2022) subject to the conditions:-

(1) Petitioner shall remain physically present on each and every date till the conclusion of the trial of this case unless prevented from sufficient cause to the satisfaction of the learned trial court.

(2) Petitioner shall not indulge in any or other similar offence till the conclusion of the trial.

(3) Petitioner shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

In case of violation of the aforesaid condition the bail of the petitioner shall be cancelled and shall be taken into custody by the learned trial court itself.

(Pradeep Kumar Srivastava, J.)