

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 1009 of 2018

1. Jagdeo Oraon
2. Sagar Oraon ... Appellants
Versus
The State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE RAJESH KUMAR
Through Video Conferencing

For the Appellant : Mr. Gaurav Kumar, Advocate
For the Respondent : Mr. Ravi Prakash, Spl.P.P.

Order No. 12 Dated 08th September, 2021

I.A. No. 2832 of 2021

Heard Mr. Gaurav Kumar, learned counsel appearing for the appellant and Mr. Ravi Prakash, learned Spl.P.P., appearing for State.

Through this Interlocutory Application appellant No. 2, namely, Sagar Oraon has prayed for grant of bail during pendency of this appeal.

The appellant along with the co-accused persons were convicted for the offence u/s 17(C) and 22(C) of the NDPS Act and were sentenced to undergo rigorous imprisonment for ten years along with a fine of Rs. 1 Lakh each u/s 17(C) of the NDPS Act and were also sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs. 1 Lakh each u/s 22(C) of the NDPS Act.

It has been submitted by the learned counsel for the appellant No. 2 that the appellant No. 1 has been granted bail by this Court in I.A. No. 8127 of 2019, subject to deposit of fine amount of Rs. 1 Lakh in the learned court below. It has been stated that the appellant has remained in custody for a period of about three years seven months. Learned counsel further adds that the appellant No. 1 who has been granted bail during the pendency of this appeal as indicated above was driving the TVS motorcycle in which Mokhtar Khan was riding pillion and from whose possession 03 Kg. of opium was recovered. Seeking a semblance of parity, learned counsel for the appellant has prayed for grant of bail to the appellant No. 2 during the pendency of this appeal.

Mr. Ravi Prakash, learned Spl.P.P. for the State has opposed the prayer for bail of the appellant No. 2 and has stated that from the dickey of

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the motorcycle which the appellant No. 2 was driving, 04 Kg. of opium was recovered. It has been stated that the recovered amount of opium is a commercial quantity and therefore the case of the appellant No. 2 cannot be equated to that of the appellant No. 1.

It appears that the appellant No. 2 has remained in custody for three years seven months. The appellant No. 1 who has been granted bail by this Court as stated above was driving the motorcycle from which 03 Kg. of opium was recovered though from the possession of the pillion rider Mukhtar Khan.

On consideration of the fact that the appellant No. 1 has been granted bail by this Court, the appellant No. 2, namely, Sagar Oraon is also directed to be released on bail, during the pendency of this appeal on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned trial court [Sessions Judge, Lohardaga] in connection with N.D.P.S. Case No. 02 of 2017, subject to the deposit of a fine amount of Rs. 1 Lakh.

I.A. No. 2832 of 2021 stands allowed and disposed of.

(RONGON MUKHOPADHYAY, J.)

(RAJESH KUMAR, J.)