

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17480 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -INDUSTRIAL District- BHAGALPUR

=====

Dharmendra Kumar Bhagat Son of Ram Sakal Bhagat Resident of
Amarpur, Police Station- Amarpur, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari, APP

For the Union of India : Mr. Manoj Kumar Singh, CGC

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-08-2017 Heard learned counsel for the petitioner, learned
counsel for the Union of India and the learned A.P.P. for the
State.

Petitioner is languishing in judicial custody since
11.03.2017 in connection with Industrial P.S. Case No. 21 of
2017 registered for the offence punishable under Sections 8,
20(b)(11)(B) of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that they got a secret information that one person is
standing at Zeromile Chowk in front of Rajeev Sweets Shop
with white bag containing ganja. The petitioner was apprehended
and from his bag 1 Kg. 300 grams of ganja was recovered.



Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the ganja so seized is little more than the small quantity prescribed under the N.D.P.S. Act. He further submits that he has been apprehended only on the basis of suspicion and there is violation of Section 50 of the N.D.P.S. Act as seizure was not made before the Gazetted Officer. He further submits that charge-sheet has already been submitted and there is no allegation that petitioner has tampered the prosecution witnesses.

However, learned counsel for the Union of India and the State of Bihar submit that the petitioner was caught red handed with the contraband item, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with Industrial P.S. Case No. 21 of 2017, subject to the condition that both the bailors would be close relative of the



petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

