

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40261 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- BHANGHA District- West Champaran

SHRAWAN SAH Son of Late Vishwanath Sah Resident of Village- Sherwa,
P.S.- Bhangaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Inspector General, S.S. B., Frontier Head Quarter, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the Union of India	:	Mr. Manoj Kumar Singh (CGC)
For the Opposite Party/s	:	Mr. Kanhaiya Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 30-07-2019 Heard learned counsel for the petitioner, counsel
for the Union of India and the State.

The petitioner seeks bail in **N.D.P.S. Case No. 10 of 2019 arising out of Bhangaha P.S. Case No. 15 of 2019**, instituted for the offence under Section(s) 20, 22, 23, 27 of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is alleged in the written report that 1.8 kg. of *Ganja* has been recovered from possession of the petitioner.

Counsel for the petitioner submits that Provisions of Section 42 and 50 of NDPS Act has not been followed during course of recovery and seizure of alleged contraband *Ganja*. He further submits that recovered *Ganja* is not the commercial quantity.



Petitioner is in custody since 9.3.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Sessions Judge, West Champaran at Bettiah, in connection with N.D.P.S. Case No. 10 of 2019 arising out of Bhangaha P.S. Case No. 15 of 2019**, subject to the condition that both the bailors will be close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner. .

(Sanjay Priya, J)

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