

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14423 of 2020

Arising Out of PS. Case No.-225 Year-2019 Thana- SURSAND District- Sitamarhi

Budhi Ram , aged about 61 years, male, S/o Late Ram Khelavan, R/o Village - Bahutara Khurd, P.O. - Mamhaar, P.S.- Sarawatkhani, Dist- Sant Ravidash Nagar, State - (Uttar Pradesh), PIN-221314 Presently residing at Village - Bahutara Khurd, P.S. - Chauri, District - Bhadohi, State - Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-06-2020 Heard Mr. Jitendra Kumar Giri, learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor appearing for the State through video conferencing.

The petitioner seeks regular bail in connection with Sursand P.S. Case No. 225 of 2019 (corresponding to G.R. No. 941 of 2019) and Trial No. 22 of 2019 registered for the offence punishable under Sections 8, 20, 22, 23 of the N.D.P.S. Act.

The allegation against the petitioner is that on the date of occurrence i.e. on 27.06.2019 the informant caught the petitioner with a bag from a Bus coming from Nepal to India and upon search of his bag 6 Kg 400 gm of *Ganja* was recovered.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession. Learned counsel submits that petitioner was travelling in the Bus along with other passengers also and the seizing authority seized the *Ganja* from the bag kept in the Bus. Learned counsel further submits that signature of the petitioner is not there in the seizure list and alleged recovery from the petitioner is not of commercial quantity.

Learned counsel for the State vehemently opposes the prayer for bail and submits that the arrest memo contains the signature of petitioner and the bag was kept in the Bus from where the alleged *Ganja* was recovered and it was within the conscious possession of the petitioner and recovery was also made from the conscious possession of the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that the quantity of *Ganja*, which has allegedly been recovered from the possession of the petitioner is not of commercial quantity and the petitioner is in custody since 29.06.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District Judge (Special Judge, NDPS Act) at Sitamarhi, District – Sitamarhi in connection with Sursand P.S. Case No. 225 of 2019 (corresponding to G.R. No. 941 of 2019 and Trial No. 22 of 2019) with the following condition:-

(i) that petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court below and his absence on two consecutive dates, without any proper and just explanation, will be sufficient to cancel his bail bond.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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