

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26064 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- MAJORGANJ District- Sitamarhi

PRINCE KUMAR, aged about 26 years, Gender-Male, Son of Late Pradeep Shah @ Late Praeep Sah @ Late Pradeep Kumar Sah, Resident of Village - Masjid Tola ward no.- 5 Majorganj @ Majorganj ward no.- 5, P.S.- Majorganj, Dist. - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Alok Kumar Alok, Advocate.
For the Opposite Party : Mrs.Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 08/20 (b)(ii)(B) of the N.D.P.S. Act.



The prosecution story, in brief, is that after receiving confidential information on 05.01.2020 about smuggling of *Ganja* by Motorcycle from Nepal to India through Mirjapur-Belwa Village, after informing the Assistant Commandant and forming a raiding party in his leadership when the informant alongwith other members of raiding party reached near Pillar No. 338 away about 500 Meter, two persons boarded on a Motorcycle was found coming from Nepal at 17.50 hours who were intercepted and they disclosed their names a Prince Kumar (petitioner) and co-accused Md. Asalam and after search in presence of Gazetted Officer/Assistant Commandant, 800 gms., *Ganja* was recovered from waist of each Prince Kumar (petitioner) and co-accused Md. Asalam alongwith Mobile set kept in a plastic bag followed with seizure list having L.T.I. of the petitioner and other co-accused person.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 07.01.2020. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. 800 gms., *Ganja* is said to have been recovered from possession of the petitioner. The same is below the



commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned I/C Special Judge, Sitamarhi, in connection with Majorganj P.S. Case No. 06/2020.

U.K./-

(Sudhir Singh, J)

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