

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23287 of 2020**

Arising Out of PS. Case No.-35 Year-2020 Thana- GOPALGANJ TOWN District- Gopalganj

Anurag Singh Son of Suresh Singh Resident of Ramnath Sharma Marg, Ward
No.20, P.S.- Nagar Gopalganj, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 04-11-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Trial No. 1/2020 (arising
out of Gopalganj Town P.S. Case No. 35 of 2020), registered
for the offence under Sections 8(c)/21(a) of N.D.P.S. Act.

As per the prosecution case, 5.19 grams of smack is
alleged to have been recovered from the possession of the
petitioner.

It is submitted on behalf of petitioner that petitioner
has been implicated in this case merely on suspicion. It is
further submitted that from the seizure list, it appears that the
seized smack has been weighed alongwith papers containing
the same and if only material is weighed, it would be much less
than 5 gms i.e. less than smaller quantity. It is further submitted
that in this case, provision of Section 50 of the N.D.P.S. Act has
not been complied and petitioner is in custody since



16-01-2020. Chargesheet has already been submitted.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the above-named petitioner 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 learned 1st Additional Sessions Judge-cum-Special Judge, NDPS Act, Gopalganj in connection with Trial Case No. 01 of 2020, arising out of Gopalganj Town P.S. Case No. 35 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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