

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27956 of 2020**

Arising Out of PS. Case No.-47 Year-2020 Thana- JADOPUR District- Gopalganj

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ABHISHEK KUMAR S/o Hari Shankar Yadav Resident of Village- Semra,
Nawada, P.S.- Jodopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-12-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jadopur P.S. Case No.47/2020 registered for the offences punishable under Sections 8/20(b)(ii)B of the NDPS Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the alleged substance said to be Charas has been recovered from the bush behind the shop of the petitioner and the quantity of such substance has been found to be 920 gm which is less than the commercial quantity of charas. It is submitted that the rigours of Section 37 of the



Narcotic Drugs and Psychotropic Substances Act, 1985 are not attracted in this case.

Learned counsel submits that the petitioner is in jail in connection with this case since 13.04.2020 and the safeguards provided for the purpose of search and seizure have not been duly followed by the informant.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein as per the First Information Report the alleged substance said to be Charas has been recovered from the bush behind the shop of the petitioner, the quantity of such substance has been found to be 920 gm which is less than the commercial quantity of charas and the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are not attracted in this case, the petitioner is in jail in connection with this case since 13.04.2020, the investigation against him is complete and it is the submission of learned counsel for the petitioner that the safeguards provided for the purpose of search and seizure have not been duly followed by the informant, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two



sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-I, Gopalganj in connection with Jadopur P.S. Case No.47/2020 (Trial No.07/2020) subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of



India and the State Government with regard to COVID-19
Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

