

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13950 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- HARLAKHI District- Madhubani

SUKESH KMAR Son of Late Deo Nandan Mahto Resident of Village -
Gangaur, P.S. - Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

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

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

2 01-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Harlakhi P.S. Case No. 90
of 2020 GR Case No. 09 of 2020, registered for the offence
punishable under Sections 20/22 of the NDPS Act.

As per the prosecution case, 2 Kg of Ganja was
recovered from possession of the petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.
There is recovery of small quantity of Ganja, therefore, rigorous
of section 37 of the NDPS would not be attracted. There is no
allegation of tampering with the evidence against this petitioner.
Petitioner is in custody since 28.05.2020 having clean



antecedent, as stated in para 3 of the petition. Investigation is complete.

Considering the period of custody coupled with the fact that petitioner claims clean antecedent and quantity of recovered Ganja, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Madhubani in connection with Harlakhi P.S. Case No. 90 of 2020 G.R. Case No. 09 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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