

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15572 of 2021

Arising Out of PS. Case No.-559 Year-2020 Thana- FATUA District- Patna

Munga Gope Son of Bhullu Yadav Resident of Village - Rasalpur, P.S.-
Fatuhan, Dist.- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vijay Kumar Singh, Advocate
For the Opposite Party : Mr. Dashrath Mehta A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 20B(II) (c)/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 2.5 kilograms of Ganja was recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. More so, alleged narcotic substance was less than the commercial quantity. Mandatory provision regarding search and seizure has not been followed. Rigours of section 37 of the NDPS Act would not be attracted against the petitioner who is in custody since



10.8.2020. Investigation is complete.

Considering the rival submissions of the parties, materials available on the record and the fact that the alleged recovery is less than the commercial quantity, let the petitioner, above named, be released 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 Additional Sessions Judge XVII, Patna in Special Case No. 114 of 2020/Fatuha Police Station Case No. 559 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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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