

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12875 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- BHANGHA District- West Champaran

ASHOK YADAV Son of Suresh Yadav Resident of Village - Bhangaha Bazar,
P.S.- Bhangaha, Dist.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

4 27-08-2021 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhangaha P.S. Case No. 55 of 2020 registered for the offences punishable under Sections 20, 21, 23, 24 and 27 of the Narcotic Drugs and Psychotropic Substances (N.D.P.S.) Act. He is in custody since 14.08.2020.

Learned counsel for the petitioner submits that as per allegations 16.300 kg of ganja was recovered from the possession of the petitioner when he was intercepted with his motorcycle by the S.I. of S.S.B. Nakardehi.

Learned counsel submits that the quantity of ganja is less than commercial quantity and in the present case though

F.I.R. has been registered under various Sections including Section 24 of the N.D.P.S. Act but on the face of the allegations Section 24 is not attracted, hence the bar under Section 37(1)(b) of the N.D.P.S. Act would not apply. The petitioner has otherwise no criminal antecedent.

On the other hand, Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. In fact, in course of argument after going through Section 24 of the N.D.P.S. Act, learned A.P.P. accepts that in this case there is no allegation of supplying ganja to any person outside India. The allegation shows that the ganja was imported into India. In course of argument it also transpired that it may perhaps attract Section 23 (b) of the N.D.P.S. Act.

Considering the facts and circumstances of the case, the quantity of ganja being less than the commercial quantity and the petitioner is not having any criminal antecedent, he has remained in jail for over one year, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 55 of 2020 subject to the condition as laid down under

Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(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'.