

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14845 of 2021**

Arising Out of PS. Case No.-209 Year-2020 Thana- CHAUSA District- Madhepura

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1. AJAY KUMAR S/o Bucho Singh Resident of Village- Laualagan, P.S.- Chousa, District- Madhepura.
  2. Bucho Singh @ Bicho Singh S/o Sukhdeo Singh Resident of Village- Laualagan, P.S.- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv  
For the Opposite Party/s : Ms. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      09-09-2021                      In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioners and learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Chousa P.S. Case No. 209 of 2020, corresponding to N.D.P.S. Case No. 16



of 2020 registered under Sections 20, 22, 23 and 24 of the N.D.P.S. Act.

As per prosecution case, on a secret informantion, 6 Kg. of *Ganja* has been recovered from petitioner no. 1 (Ajay Kumar) and 7 Kg. from petitioner no. 2 (Bucho Singh).

It is submitted on behalf of the petitioners that the alleged quantity of *Ganja* is less than the commercial quantity and as such, rigors of Section 37 of the N.D.P.S. would not be attracted. Sample of recovered substance has not been sent for examination. There is no allegation of tempering with the evidence. Petitioners are in custody since 6.10.2020, having clean antecedent. Investigation is complete. Other similarly situated co-accused have been allowed bail in Cr. Misc. No. 15543/2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners are allowed. Let the petitioners above named 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



Sessions Judge-cum-Special Judge N.D.P.S. Act, Madhepura in  
Chousa P.S. Case No. 209 of 2020, corresponding to N.D.P.S.  
Case No. 16 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of  
the petitioners who will give an affidavit giving genealogy as to  
how he is related with the petitioners. The bailor will also  
undertake to inform the Court if there is any change in the  
address of the petitioners.

(ii) That the petitioners will be well represented on  
each date and if they fail to do so on two consecutive dates, their  
bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

SUMIT/-

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