

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14554 of 2021**

Arising Out of PS. Case No.-485 Year-2020 Thana- MAHUA District- Vaishali

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PANKAJ KUMAR, S/O Laxman Rai, R/O Village - Fulwariya, P.S. - Mahua,
District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

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

5 15-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rajesh Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Mahua P.S. Case No. 485 of 2020 registered
for the offences punishable under Sections 20, 22, 23 and 27 (A)
of the Narcotic Drugs and Psychotropic Substances Act (in short
'N.D.P.S. Act'). He is in custody since 27.08.2020.

As per prosecution story, the informant along with
Police party arrested the petitioner and from his possession 531
grams Charas was recovered. On interrogation he (petitioner)

disclosed that he used to sell Charas.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. It is submitted that due to local politics petitioner has been implicated in this case.

Learned counsel submits that in the three cases stated in the supplementary affidavit, the petitioner is on bail in two cases whereas his prayer for bail in one case is pending consideration.

Mr. Rajesh Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the present case, the quantity of Charas allegedly recovered from possession of the petitioner is less than commercial quantity which has not been controverted by learned A.P.P. for the State and further submission that in the three cases stated in the supplementary affidavit the petitioner is on bail in two cases whereas his prayer for bail in one case is pending consideration, this Court having noticed that the bar under Section 37 of the N.D.P.S. Act is not getting attracted,

directs release of the petitioner above named 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, Vaishali, Hajipur in connection with Mahua P.S. Case No. 485 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.