

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14524 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- SURSAND District- Sitamarhi

JAWAHAR RAI Son of Late Rajendra Rai Resident of Village- Amana, P.S.-
Sursand, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

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

2 22-06-2021 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 Senior Counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sursand P.S. Case No. 232 of 2020 registered for the offences punishable under Section 20, 22, 23 of the N.D.P.S. Act.

As per prosecution story, while getting information the informant along with Sepoy of SSB reached at Pillar No. 3030/08 at Indo Nepal Border near Sursand Chowk, in the meantime one Maruti Zen Car was seen coming from Pupri side then Sepoy gave signal to stop and the vehicle was searched and



from the dickey of the vehicle 12 Kg. of Ganja was recovered.

Learned Senior Counsel submits that petitioner has been falsely implicated in this case. Learned counsel submits that the 12 Kg. of Ganja which has been recovered from the vehicle in question does not belong to the petitioner, petitioner is in custody since 14.08.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

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 Senior Counsel for the petitioner that 12 Kg. of Ganja has been recovered from the vehicle in question which does not belong to the petitioner, submission being that the quantity of Ganja is less than the commercial quantity and hence the rigors of Section 37 of the N.D.P.S. Act would not be attracted in the present case, it is also not attracting offences under Section 19, 24 or Section 27(A) in terms of Section 37 of the N.D.P.S. Act, considering this aspect of the matter and the submission that petitioner has no criminal antecedent and he has remained in custody in connection with this case since 14.08.2020, investigation against him is complete



but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Sitamarhi, in connection with Sursand P.S. Case No. 232 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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)

Rajeev/-

U		T	
---	--	---	--

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'.

