

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16165 of 2021**

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

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LALO SINGH S/o Late Deepan Singh R/o village- Laualagan, P.S.- Chausa,
District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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

3 10-09-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Chausa P.S. Case No.209/2020 registered for

the offences punishable under Sections 20, 22, 23 and 24 of the

N.D.P.S. Act.

As per the prosecution story, the informant on secret

information conducted a raid at Baba Bishuraut Temple situated

in village-Laualagan and apprehended eight persons who were

indulged in smuggling of Ganja. The petitioner is one of them.

On search, from the possession of petitioner 5 kgs of ganja, one small Tarazu, 200 gram of weight and a cash of Rs.4000/- has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that no incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 06.10.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein as per the seizure list the recovery of 5 kgs of ganja, one small size Tarazu and a 200 grams of weight have been allegedly recovered from the Sahan of the petitioner and it has not been shown recovery from the conscious possession of the petitioner, the quantity is less than the commercial quantity and the submission being that Section 24 of the N.D.P.S. Act would not be attracted as also that the seizure list witnesses are the members of the raiding party and the co-accused Pankaj Singh and Ajay Kumar have been granted bail by learned

coordinate Benches of this Court in Cr.Misc.No.15543/2021 and Cr.Misc.No.14845/2021, this Court directs that the petitioner above named be released 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 Additional Sessions Judge-II, Madhepura in connection with Chausa P.S. Case No.209/2020, 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)

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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'.