

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17143 of 2021

Arising Out of PS. Case No.-306 Year-2020 Thana- SIMRI District- Buxar

RAM JI SINGH S/O KESHO SINGH R/o village- Balihar, P.S.- Simri,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Simri P.S. Case No. 306 of

2020 corresponding to NDPS Case No. 40 of 2020, registered

for the offence punishable under Sections 20(b)(ii)(c), 22(b) of

the NDPS Act and sections 25(1-b)a, 26 of the Arms Act.

As per the prosecution case, one loaded country made

pistol from left side of waist of petitioner and one Kg of Ganja

was recovered from his house.

It is submitted on behalf of the petitioner that

recovered Ganja is of small quantity, as such, rigorous of

Section 37 of the NDPS Act, would not be attracted. The house

in question is in joint possession of family.



Mandatory provision of search and seizure has not been followed. So far as, arms and ammunition is concerned, nothing has been recovered from conscious possession of the petitioner. Petitioner bears clean antecedent and he is in custody since 07.10.2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Judge-cum-Special Judge (NDPS Act), Buxar in connection with Simri P.S. Case No. 306 of 2020 corresponding to NDPS Case No. 40 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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