

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17875 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- INARWA District- West Champaran

CHANDAN PATEL Son of Sri Gopal Patel @ Gopal Raut Resident of
Village- Damrapur, P.S.- Manpur, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha No. 2, APP

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

2 02-07-2021 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 Inarwa P.S. Case No. 77 of 2020 registered for
the offences punishable under Sections 20 (b) (ii) (B), 22, 23
and 24 of the Narcotic Drugs and Psychotropic Substances
(NDPS) Act, 1985.

As per the prosecution story the informant during
vehicle checking at Don Canal Check Post got secret
information that two persons on a bike are likely to go from



Inarwa Bazar to Narkatiganj with Ganja. At about 3.30 pm two persons on a Yamaha motorcycle were seen coming. On seeing the police they tried to flee away but were apprehended and disclosed their name Chandan Patel (this petitioner) and Sakaldip Sah and on search five kg ganja was recovered from a white color plastic bag.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is further submitted that the alleged recovery is much less than the commercial quantity. Learned counsel submits that bare reading of the F.I.R. does not make out an offence under Section 24 of the N.D.P.S. Act. The petitioner is in custody since 09.10.2020 having no criminal antecedent.

Learned APP 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 though the F.I.R. has been lodged under the various provisions including under Section 24 of the N.D.P.S. Act but from bare reading of the first information report it would appear that Section 24 of the N.D.P.S. Act would not be attracted, so far as the quantity of Ganja is concerned, the same



is less than the commercial quantity and therefore, the rigours of Section 37 of the N.D.P.S. Act would not be applicable, considering the submissions and finding that the petitioner is in custody for over eight months, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, let the petitioner above named be released 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 Sessions Judge, West Champaran, Bettiah in connection with Inarwa P.S. Case No. 77 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.

This application stands disposed of accordingly.

(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'.

