

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12097 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- MITHANPURA District- Muzaffarpur

Aditya Kumar @ Niraj Singh S/O Late Kaushal Kishor Singh R/O Village-
Shital Bhakurahar, P.S.- Sarai, District- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-06-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 414 of the Indian Penal Code and 8, 20 of the NDPS Act.

As per the prosecution case, 1.200 kilograms Ganja was recovered from beneath the driver's seat of Scorpio vehicle. petitioner was driving the said vehicle and was arrested on the spot.

Learned counsel for the petitioner submits that the vehicle in question is not stolen vehicle rather the same has been released in favour of its owner Abhishek Kumar by the Court of the Additional Sessions Judge, Munger. No incriminating material has been recovered from the conscious possession of the petitioner. So far the recovery of Ganja is concerned, learned counsel submits that the same is less than



commercial quantity. It is also the case of the petitioner that the mandatory provision for search and seizure has not been complied with. Charge sheet has already been submitted. Petitioner is in custody since 9.9.2020.

Learned counsel for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that alleged recovery of Ganja is much less than the commercial quantity and the same has been recovered from the vehicle and petitioner is in custody since 9.9.2020, let the petitioner, mentioned above, 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 Additional Sessions Judge IV, Muzaffarpur in NDPS Case No. 151 of 2020/ NDPS Case No.76 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



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

(Prabhat Kumar Singh, J)

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