

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17999 of 2021**

Arising Out of PS. Case No.-208 Year-2020 Thana- KARPI District- Jehanabad

MITHILESH SHARMA, Son of Late Shaligram Sharma, Resident of Village
- Karpi Dih, P.S.- and Distt.- Jehanabad (Arwal) Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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

2 14-07-2021 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 Mr. Satyendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Karpi P.S. Case No. 208 of 2020, N.D.P.S. Case No. 11 of 2020 registered for the offence punishable under Section 8/20(b) (ii) (A) 25 of the Narcotic Drugs and Psychotropic Substances Act (in short 'N.D.P.S. Act').

As per the prosecution story, while the informant got a secret information that the petitioner and one namely Hakim Mian are selling Ganja in their shops. On that information, Police lodged a Sanha and raided the shop of those persons upon which 545 gms. Ganja and one mobile phone were recovered from the house of the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged recovery of quantity of Ganja is much less than the small quantity from the joint house of the petitioner. The petitioner is under paralyzed condition and he is in custody since 10.07.2020 having no criminal antecedent.

Mr. Satyendra Prasad, 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 this Court has noticed that in course of raid from the house of the petitioner 545 gms. of Ganja and a mobile phone has been recovered, however, the submission being that the said house is the joint family house, the petitioner is the Mukhiya of the family and now-a-days he is in paralyzed condition, he has otherwise no criminal antecedent and has remained in jail in connection with the present case since 10.07.2020, the quantity is being less than the small quantity, rigours of Section 37 of the N.D.P.S. Act, 1985 is not attracted, hence, 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, Jehanabad in connection with Karpi P.S. Case No. 208 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)

vats/-

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'.

