

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21146 of 2021**

Arising Out of PS. Case No.-267 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

SURAJ KUMAR SINGH, Son of Vijay Singh Resident of Village - Sadpura,
P.S.- Kazi Mohammadpur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Matloob Rab, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 22-11-2021

Heard Sri Anish Kumar, learned counsel for the petitioner
and Sri Matloob Rab, learned A.P.P. appearing for the State.

The petitioner seeks bail in connection with Kazi
Mohammadpur P.S. Case No. 267 of 2020, registered under Section
30(a) of the Bihar Prohibition and Excise Act and Section 20(B)(ii)
(A)/27 of the N.D.P.S. Act.

In short, the allegation made by the prosecution is
that one Suraj Kumar Singh (Petitioner) is involved in trade of
illicit liquor and raiding team recovered 6.180 litres of illicit liquor
as well as 85 grams of Ganja from the house of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in this case and the
alleged illicit liquor as well as Ganja, which are said to be
recovered from the house of the petitioner, does not belong to the
petitioner. It is further submitted that nothing has been recovered



from the conscious possession of the petitioner. Learned counsel appearing on behalf of petitioner, further, submits that so far as 85 grams of Ganja is concerned and taking into consideration the provision of NDPS Act, the said quantity is very small and is not come under the commercial quantity and as such he deserves to be released on bail.

Learned A.P.P., however, opposes the prayer for bail and submits that petitioner is engaged in trading of illicit liquor and recovery has been made from his house as such he does not deserve to be released on bail.

Having considered the facts and circumstances of the case and the provision of the NDPS Act as well as submission of the learned counsel appearing on behalf of the petitioner that the recovery of alleged Ganja is not of commercial quantity, I am of the opinion that the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 267 of 2020 subject to the following conditions:

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioner shall not indulge in any similar



offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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

(Purnendu Singh, J)

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