

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22765 of 2021**

Arising Out of PS. Case No.-412 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Bablu Kumar S/O Pradeep Paswan R/o village- Sahdullapur, P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India through the Director General, Narcotic Control Bureau, New Delhi India

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

3 26-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

This Court has been informed by the Bench Officer that the link was also sent to Mr. K.N. Singh, learned A.S.G. for Union of India, however, on call no one appears for Union of India (O.P. No. 2).

The petitioner in the present case is seeking regular bail in connection with Hajipur Sadar P.S. Case No. 412 of 2020 registered for the offences punishable under Sections 8, 20 (b) (ii) (A), 25 and 29 of the Narcotic Drugs and Psychotropic

Substances Act (hereinafter referred to as 'the N.D.P.S. Act').
He is in custody since 20.07.2020.

As per the prosecution story, when the police personnel intercepted the petitioner and the co-accused during the patrolling period, this petitioner with the co-accused were arrested while trying to flee away. From possession of the petitioner 1200 gms (1.2 Kg) of ganja has been recovered which has been seized in presence of the members of the raiding party two of whom are the seizure list witnesses.

Learned counsel for the petitioner submits that the petitioner was searched in complete violation of the safeguards provided to the petitioner under the N.D.P.S. Act.

It is further submitted that the alleged quantity of ganja is less than the commercial quantity, hence, the rigors of Section 37 of the N.D.P.S. Act would not be attracted. The petitioner is said to have one criminal antecedent in which his prayer for bail is still pending.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case wherein the alleged quantity of ganja is less than the commercial quantity and the seizure list witnesses are the members of the raiding

party only, the petitioner has remained in jail in connection with this case for over one year, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 412 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(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'.