

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23036 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- KANTI District- Muzaffarpur

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Jitendra Kumar S/O- Vishwanath Chaudhary Resident Of Village- Kalhua
Paigh UMBERPUR, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Madhurenand Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Kanti P.S. Case
No. 349 of 2020 registered for the offence punishable under Sections
8,20(b)(ii)(c) and 22(C) NDPS Act.

Acting on a tip of secret information that some miscreants
along with the petitioner are assembled near Narsanda Over Bridge
for trade of illegal ganja and charas, informant along with other
police personnel reached there and on seeing them miscreants tried to
flee away but caught apprehended by the Police. On search by the
Police 1 kg of *ganja* was recovered from one Baijnath Sahani and ½



kg of *ganja* was recovered from three others including petitioner.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that 500 gm of contraband article (*ganja*) is said to have been recovered from the conscious possession of petitioner which is small quantity and less than commercial quantity. Section 50 of the NDPS Act has not been complied. He further submits that similarly situated co-accused has already been granted bail *vide* order dated 21.05.2021 in Cr. Misc. No. 10576 of 2020 passed by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 21.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection Kanti P.S. Case No. 349 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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