

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23709 of 2021**

Arising Out of PS. Case No.-879 Year-2020 Thana- SONEPUR District- Saran

=====

RANJAN KUMAR SON OF BASU RAY @ VASUDEV SINGH R/O
VILLAGE- DAUD NAGAR, P.S.- BIDUPUR, DISTRICT- VAISHALI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-09-2021 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. Sanjay Kumar Tiwary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sonapur P.S. Case No. 879 of 2020 (N.D.P.S. Spl. Case No. 13 of 2020) registered for the offences punishable under Sections 8, 20(b)(ii)(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances (N.D.P.S.) Act.

As per the prosecution story, the informant on a secret information reached at NH-19 near Mamta Line Hotel. Two cars were asked to stop but on seeing police they started fleeing away

but were eventually apprehended and when search was made, total 10.31 kg ganza was recovered from the dickey of the said car and the petitioner was arrested accordingly.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the quantity of seized ganza is less than the commercial quantity and further the seizure list witnesses are not independent witnesses. It is submitted that the petitioner is in jail since 18.12.2020.

Learned counsel submits that the petitioner has got one criminal antecedent in which he is on bail and for this a supplementary affidavit has been filed today. Let the same be kept on the record.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 10.31 kg contraband ganza is said to have been recovered from Swift ZDI car in which this petitioner was said to be traveling, the quantity being less than commercial quantity, Section 37 of the N.D.P.S. Act is not getting attracted and further submission that the seizure list witnesses are not independent witnesses and the signatures thereof are not tallying as also that there are violations of Section 41 and 42 of the N.D.P.S. Act, the

petitioner has got one criminal antecedent in which he is said to be on bail, further considering that the petitioner is in custody since 18.12.2020, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saran at Chhapra in connection with Sonapur P.S. Case No. 879 of 2020 (N.D.P.S. Spl. Case No. 13 of 2020) subject to the condition 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

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'.