

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25508 of 2021**

Arising Out of PS. Case No.-742 Year-2020 Thana- KANTI District- Muzaffarpur

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ARUN SAH Son of Late Jai Mangal Sah Resident of Village - Sirsiyan, P.S.-
Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh No.5, APP

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

2 27-09-2021 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 learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kanti P.S. Case No.742/2020 registered for the
offences punishable under Sections 20 and 22 of the NDPS Act
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
He is in custody since 18.12.2020.

Learned counsel for the petitioner submits that, as per
the prosecution story, 350 gms of Charas and 1 liter 80 ml of
illicit liquor were recovered from the possession of petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the alleged quantity of Charas recovered from the petitioner is less than the commercial quantity (350 gms) and the quantity of liquor is one liter and 80 ml.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the alleged quantity of Charas recovered from the petitioner is less than the commercial quantity (350 gms) and further quantity of liquor is one liter and 80 ml, having remained uncontroverted by learned APP for the State and that rigorous of Section 37 of the NDPS Act would not be attracted in the present circumstance, the petitioner has remained in custody since 18.12.2020, investigation against him is complete and in the two cases stated against him he is said to be on bail, this Court directs that the petitioner above named be released 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 Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No.742/2020, 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.

(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'.

