

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24683 of 2021

Arising Out of PS. Case No.-362 Year-2020 Thana- BIHIA District- Bhojpur

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IDRIS NAT Son of Late Narayan Nat Resident of Village - Teghara, P.S.-
Bhihiya, Dist.- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 20B, 11(c) 21(a) and other sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, Nepali currency of Rs.5,57,200/- and 2.940 grams of heroin was recovered from the house of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner as the house in question is the joint family property. More so, alleged narcotic substance was less than the small quantity, as such, rigours of section 37 of the NDPS Act would not be attracted against the petitioner. It is also submitted that the petitioner's son had sold Chevrolet car in Rs.3.70 which amount was seized by the police. Mandatory provision regarding search and seizure has not been followed.



Investigation is complete. There is no allegation of tempering with the evidence. Petitioner has got clean antecedent and he is in custody since 7.12.2020.

Considering the rival submissions of the parties, materials available on the record and the fact that the alleged recovery is less than the small quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge Bhojpur at Ara in NDPS Case No.17/2020, Bhiya Police Station Case No. 362 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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