

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28822 of 2021**

Arising Out of PS. Case No.-23 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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ASHOK RAM S/o Shri Lakhan Ram R/o Roshanpur Sabha P.S. Sugauli
District - East Champaran.

... .. Petitioner/s

Versus

THE UNION OF INDIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Radhika Raman (A.D.S.G)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 12-08-2021 This matter is taken up for consideration through Video
Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case registered for
the offence punishable under sections 20, 23 and 29 of the NDPS
Act.

As per prosecution case, 14.900 kg Ganja has been
recovered from the possession of petitioner.

It is submitted on behalf of petitioner that alleged
recovery is less than commercial quantity. It is further submitted
that sections 42, 50 and 57 of the NDPS Act has not been
followed. Rigorous of Section 37 of NDPS Act would not be
attracted against this petitioner. Petitioner has got clean
antecedent and is in custody since 03.12.2019. Charges have
already been framed.

Learned counsel for the Union of India vehemently



opposed the prayer for bail and submitted that huge quantity of Ganja has been recovered from the possession of the petitioner and the case is running for evidence.

However, considering the quantity of Ganja and the period of custody coupled with the fact that the petitioner has got clean antecedent, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran in NDPS Special P.S. Case no. 82/2019 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 canceled 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)

s.hassan/-

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