

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28517 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- JOGBANI District- Araria

SHARWAN KUMAR RAJAK @ SHRAWAN KUMAR RAJAK @
SHARWAN KUMAR Son of Vishundeo Rajak @ Vishundeo Baitha Resident
of Village - Kushmaha, P.S.- Jogbani, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the 56th Battalion SSB, Kushmaha, Jogbani,
District - Araria. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2021 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 Special Case No.17/2020 arising out of Jogbani

P.S. Case No.260/2020 registered for the offences punishable

under Sections 21, 22 and 23 of the N.D.P.S. Act. He is in

custody since 14.11.2020. The petitioner has got no criminal

antecedent.

Learned counsel for the petitioner submits that as per



the prosecution story 2 kgs. 970 gms of Ganja has been allegedly recovered from the possession of the 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 seizure list witnesses in this case are not independent witnesses, they are the two police personnel and the alleged seizure is of 2 kgs 970 gms of ganja which is much less than the commercial quantity and as such the rigours of Section 37 of the N.D.P.S. Act, 1985 would not be attracted. It is submitted that the petitioner is in custody since 14.11.2020 having no criminal antecedent.

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 seizure list witnesses in this case are not independent witnesses, they are the two police personnel, the alleged seizure is of 2 kgs 970 gms of ganja which is much less than the commercial quantity and as such the rigours of Section 37 of the N.D.P.S. Act, 1985 would not be attracted, the petitioner has remained in custody since 14.11.2020 and he has got no criminal antecedent, in the circumstances, 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 (NDPS), Araria in connection with Special Case No.17/2020, arising out of Jogbani P.S. Case No.260/2020, 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'.

