

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30968 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- SONEPUR District- Saran

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BACHA RAI SON OF LATE SUDARSHAN RAI @ LATE SUDARSHAN
RAY R/O VILLAGE- JAITYA, P.S.- SONPUR, DISTRICT- SARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Ms. Indu Kumari Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special Case No. 03 of 2021, arising out of Sonapur Police
Station Case No. 81 of 2021, registered for the offences
punishable under Sections 20/21 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

The allegation, as per the First Information Report, is
that 160 mg. of smack and 19.930 gms. of Ganja were recovered
from the pocket of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he has falsely been
implicated in this case with oblique motive. He further submits
that the quantity of smack/ganja allegedly recovered from the



possession of the petitioner is less than the small quantity and at the time of search and seizure, the procedure prescribed under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 has not been complied by the police. He next submits that the petitioner is in custody since 19.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, the quantity of smack/ganja recovered from the possession of the petitioner is less than the small quantity, charge sheet has already been submitted and the petitioner is in custody since 19.02.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, Bacha Rai, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge -cum- Special Judge, Saran, at Chapra, in connection with Special Case No. 03 of 2021, arising out of



Sonepur Police Station Case No. 81 of 2021.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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