

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37403 of 2021

Arising Out of PS. Case No.-887 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Vikaram Rai S/O Shivjee Rai Resident of Village - Motipur (Sundar Saray),
P.S. Motipur, Dist. - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 14-12-2021 The applicant/accused in Crime No. 887 of 2020 registered with Ahiyapur Police Station for the offences punishable under sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, by this application is seeking his release on bail during pendency of the trial.

It is reported that charge-sheet has already been filed and the applicant is undergoing pre-trial detention from 25.11.2020.

Learned counsel for the applicant argued that search and seizure is vitiated because of non-compliance of Section 50 of the NDPS Act. He further submits that what is alleged to be possessed by the applicant is small quantity of Ganja.

The learned prosecutor opposed the bail application by contending that the offence is serious.



I have considered the submission so advance and perused the material placed before me.

It is seen from the FIR that the Police Officer who lodged the FIR was aware about possession of the contraband. However, there is nothing to show compliance of the provision of section 50 of the NDPS Act while conducting personal search of the present applicant. It is alleged that from his person Ganja weighing 100 kilograms came to be seized.

Considering the fact that the applicant was stated to be in possession of small quantity of Ganja and as the investigation of the crime in question is already over, the applicant who is stated to be not having any criminal antecedent, deserves bail. Therefore the order.

The application is allowed.

The applicant/accused in Crime No. 887 of 2020 registered with Ahiyapur Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Ravi/-

U		T	
---	--	---	--

