

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28440 of 2020**

Arising Out of PS. Case No.-74 Year-2020 Thana- SIKARPUR District- West Champaran

RATAN SAH Son of Late Kumar Sah Resident of Village- Taulaha, P.S.-
Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. APP

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

3 11-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 14.02.2020 in connection with NDPS Case No. 07/2020 arising out of Shikarpur P.S. Case No. 74/2020 registered for the offences punishable under Sections 8/20(b)(ii)(B) of the NDPS Act.

As per the prosecution case, 2 kg Ganja was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that no such recovery has been made from the possession of the petitioner and the alleged recovery of Ganja is less than commercial quantity. It is further submitted that mandatory provisions of search and seizure has not been complied with and he is in custody since 14.02.2020. Petitioner has no criminal



antecedent as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Sessions Judge, West Champaran, Bettiah, in connection with NDPS Case No. 07/2020 arising out of Shikarpur P.S. Case No. 74/2020, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.
- (2) If the petitioner tempers 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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