

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43395 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- GHOSI District- Jehanabad

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Bali Sharma @ Baliram Sharma, Son of Late Badri Sharma, Resident of
Village - Nandana, P.S.- Ghosi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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

2 07-12-2021 The applicant/accused in Crime No. 23 of 2021 registered with Ghosi Police Station for the offences punishable under Sections 20(a), 20(b), 21 and 22 of the N.D.P.S. Act at the instance of first informant Navin Kumar- P.S.O, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that according to the prosecution case on the basis of secret information search of an agricultural field was conducted in which 18 plants of Ganja were found in the field attributed to the applicant. It is argued that the FIR does not show details of Khata number, Khesra number etc. of the field. The charge sheet has been filed. The applicant is behind the bars from 29.01.2021. The applicant is aged about 68 years.



The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and in all 18 plants of Ganja were found in the field owned by the applicant.

I have considered the submissions so advance and also perused the materials placed before me.

The investigation of the crime is over. The applicant is not stated to be having any criminal antecedents. The FIR does not mention details of the field from which plants of Ganja came to be seized. There is no Khata number or Khesra number in the FIR. What was weighed was plants and total weight of the 18 plants is stated to be 16 K.G. and 900 Grams. In this view of the matter, I am of the considered opinion that rigors of Section 37 of the N.D.P.C. is not applicable to the present case. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 23 of 2021 registered with Ghosi Police Station for the offences punishable under Sections 20(a), 20(b), 21 and 22 of the N.D.P.S. Act be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety 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 cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

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 appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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