

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.37214 of 2020**

Arising Out of PS. Case No.-181 Year-2020 Thana- CHAUSA District- Madhepura

Subodh Singh, S/O. Dhruv Singh, R/O Vill- Lualagaa East, Ward No. 05, P.  
S.- Chausa, Dist. Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Aslam Ansari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      13-07-2021      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 Mr. Md. Aslam Ansari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chausa P.S. Case No. 181 of 2020 arising out of N.D.P.S. Case No. 10 of 2020 registered for the offence punishable under Sections 20, 22, 23, 24 of Narcotic Drugs and Psychotropic Substances Act ( in short 'N.D.P.S. Act'). He is in custody since 13.08.2020.

As per the prosecution story, while the informant along with other police personnel was on patrolling duty, he got



secret information that a person is preparing to go with Ganja nearby Murgiya Tola Tower, Laualagan East. It is alleged that on this information, he along with other police personnel proceeded to the alleged place, he saw that one person carrying a bag in his hand and on seeing the police party started fleeing away but on chase he was caught. On interrogation, he disclosed his name as Subodh Singh (petitioner) and on search 500 gms. Ganja was recovered.

Learned counsel for the petitioner submits that there is alleged recovery of 500 gms. of Ganja which is small quantity and as such rigours of Section 37 of the N.D.P.S. Act, 1985 would not be attracted.

Learned counsel further submits that the F.I.R. has also been registered under Section 24 of the N.D.P.S. Act but on a bare reading of the F.I.R. one may prima-facie say that Section 24 of the N.D.P.S. Act would not be attracted. He has otherwise no criminal antecedent.

Mr. Md. Aslam Ansari, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case wherein this Court has noticed that 500 gms. of Ganja has been recovered from a bag which the petitioner was carrying, he has



no criminal antecedent and has remained in jail in connection with this case for 11 months, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named 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 Sessions Judge-cum-Special Judge, N.D.P.S. Act, Madhepura in connection with Chausa P.S. Case No. 181 of 2020 arising out of N.D.P.S. Case No. 10 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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)**

vats/-

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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'.

