

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 456 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- BHANGHA District- West Champaran

Pundee Sah Son of Late Hiralal Sah Resident of Village- Maluka Tola, P.S.-
Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Inspector General, S.S.B., Frontier Head
Quarter, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Bhangaha Police Station
(for brevity, *PS*) Case No 53 of 2020 dated 08.08.2020 instituted
for the offence punishable under Sections 20, 21, 23, 24, 27 of
Narcotic Drugs and Psychotropic Substances (for brevity,
NDPS) Act, 1985.

Informant has allegedly seized a bag containing 2
kilograms of Ganja from the petitioner.

Learned counsel for the petitioner submits that the
contraband substance has not been recovered from the
possession of the petitioner. The petitioner denies and disputes



the entire search and seizure and submits that the procedure prescribed has not been observed. It is also submitted that the quantity is much below commercial quantity, though it is greater than small quantity. Having no criminal antecedent, the petitioner is behind the bars since 09.08.2020.

Learned APP has opposed the prayer for bail.

In view of the aforesaid circumstances, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge -cum- Special Judge, West Champara at Bettiah in Bhangaha PS Case No 53 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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