

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40530 of 2020**

Arising Out of PS. Case No.-49 Year-2020 Thana- SATHI District- West Champaran

Akash Sah S/o Parwesh Sah @ Prawesh Sah Resident of Vill.- Sathi Gaon,
P.S.- Sathi, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Adv. Mr.Vijay Anand, Adv.
For the Opposite Party/s :		Mr.Yogendra Kumar,APP

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

4. 26-03-2021 Heard Sri N.K.Agrawal, learned senior counsel assisted by Sri Vijay Anand, learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in N.D.P.S. Case No. 11 of 2020, arising out of Sathi P.S. Case No. 49 of 2020, registered for the offence under Sections 8/20(B)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “N.D.P.S. Act”).

As per the prosecution case, 15 kg. of *Ganja* has been recovered from the possession of petitioner and one co-accused.

It is submitted on behalf of petitioner that nothing has been recovered from possession of the petitioner and statutory provision with regard to search & seizure has not been followed. Petitioner claims clean antecedent in paragraph – 3 of the



petition and he is in custody since 25.04.2020. By way of filing supplementary affidavit, it is submitted by learned senior counsel that in this case, after submission of chargesheet, cognizance has already been taken on 20.10.2020 and thereafter, case has been committed to the Court of Sessions and charge was framed against the petitioner on 10.12.2020 under Sections 20(b)(ii)(B), 23(B), 29 of the N.D.P.S. Act.

Considering the quantity of recovered *Ganja* coupled with the fact that petitioner has got clean antecedent and as per supplementary affidavit, charge has been framed, the bail application of petitioner is allowed, ***subject to verification by the learned court below as to whether charge has been framed or not.*** Let the above named petitioner be released on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West Champaran, Bettiah in connection with N.D.P.S. Case No. 11 of 2020, arising out of Sathi P.S. Case No. 49 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.



(2) If the petitioner tampers 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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