

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 418 of 2021**

Arising Out of PS. Case No.-37 Year-2020 Thana- BIDUPUR District- Vaishali

GAUTAM KUMAR SINGH @ GAUTAM KUMAR SON OF ARUN
KUMAR SINGH RESIDENT OF VILLAGE - KHANPUR PAKARI,
POLICE STATION - BIDUPUR, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Kumar, Advocate

For the Opposite Party/s : Mr Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **22-03-2021** Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Bidupur Police Station
(for brevity, *PS*) Case No 37 of 2020 instituted for the offence
punishable under Sections 20, 21, 22, 23 of Narcotic Drugs and
Psychotropic Substances (for brevity, *NDPS*) Act.

On 22.09.2020, the petitioner's prayer for bail has
been rejected by the Sessions Judge. Allegation is of recovery
of 150 Grams of *Charas* from the petitioner. Rejection of his
prayer for bail was considering the fact that trial may be
concluded within three months.

This Court had called for a report from the trial Court.
Additional Sessions Judge I -cum- Special Judge, Vaishali at



Hajipur has forwarded a report. The same is dated 18.03.2021. It communicates the status of the trial that only one witness out of four charge sheeted witnesses, has been examined.

Learned counsel representing the petitioner submits that the alleged recovery is much less than commercial quantity (1 Kilo Gram). It is only 50 Grams in excess of the small quantity (100 Grams). There is no antecedent of the petitioner and he is in custody now for more than a year, i e, 05.02.2020. It is stated that recovery is in violation of the mandatory procedure under the NDPS Act.

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, Vaishali at Hajipur in Bidupur PS Case No 37 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)

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