

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2860 of 2021**

Arising Out of PS. Case No.-169 Year-2020 Thana- RAMGARH District- Kaimur (Bhabua)

Gaya Ram @ Gama Ram Son O Flate Lal Bahadur Ram R/O Of Village-
Gorasara, P.S.-Ramgarh, District-Kaimur At Bhabhua.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party : Mr.A.G.

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

3 14-06-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 8/20b(ii)(A)/21(A) of the
NDPS Act.

As per the prosecution case, 600 gram Ganja, 2.84
grams of Smack/heroin along with cash of Rs.28500/- were
recovered from the house of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is a handicapped person and no incriminating
material has been recovered from his conscious possession.



More so, alleged narcotic substances were less than the small quantity. Mandatory provision regarding search and seizure has not been followed. Rigours of section 37 of the NDPS Act is also not attracted against the petitioner who is in custody since 6.8.2020.

Considering the rival submissions of the parties coupled with the fact that the alleged recovery is less than the small quantity and no allegation of tampering with the evidence against the petitioner let the petitioner, above named, 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 the Sessions Judge cum Special Judge, Kaimur at Bhabua in NDPS case no. 23 of 2020 arising out of Chainpur Police Station Case No. 169 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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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