

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5079 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- BEUR District- Patna

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Lav Kush Kumar aged about 35 years S/O Jayendra Singh @ Jitendra Singh
R/O Village - Gona, P.S. - Rani Talab, District - Patna.

... .. Petitioner/S

Versus

The Union Of India

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-04-2021 This matter is taken up for consideration through

Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case
registered for the offence punishable under sections 20 and 22
of the NDPS Act.

As per the prosecution case, 500 grams of Ganja has
been recovered from the bag of this petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He submits that less than small quantity of Ganja has been
recovered from the bag of this petitioner. It is further submitted
that the mandatory provisions for search and seizure contained
in sections 42 and 52 of the NDPS Act have not been followed.
petitioner is in custody since 26.8.2020.



Considering the fact that small quantity of Ganja has been recovered from the possession of the petitioner coupled with the fact that the petitioner is in custody since 26.8.2020, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge / Special Judge NDPS, Patna in Special Case No. 124 of 2020 (NDPS)/Beur Police Station Case No. 204 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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