

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8240 of 2021

Arising Out of PS. Case No.-654 Year-2020 Thana- SONHAN District- Kaimur (Bhabua)

Kamlesh Prasad Keshari, aged about 38 years, Gender – M, S/O Chhote Lal Keshari @ Chhote Saw R/O Barki Miriya, P.S.- Sonhan (Bhabhua), Distt.- Kaimura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 26-05-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sonhan (Bhabhua) P.S. Case No. 654 of 2020, corresponding to N.D.P.S. Case No. 35 of 2020, registered for the offence under Sections 8(c)/20(b)(ii) (B)/22/27(a) of the N.D.P.S. Act.

As per the prosecution case, on a secret information, a raid was conducted in the house of petitioner and two kg. of *Ganja* was recovered from the shop owned by the petitioner.

It is submitted on behalf of petitioner that no any incriminating article has been recovered from conscious possession of the petitioner. In fact, one plastic bag, containing 2 kg of *Ganja* and some liquor, was recovered from the shop of



the petitioner, of which, petitioner has no knowledge and thereafter, one case was registered under the N.D.P.S. Act (present case) and the other case under the Excise Act, vide Sonhan (Bhabhua) P.S. Case No. 653 of 2020, was registered against this petitioner. The seized *Ganja* is below commercial quantity. It is further submitted that mandatory provision with regard to search and seizure has not been complied with and petitioner is in jail since 25.11.2020. Chargesheet has already been submitted.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. 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-cum-Special Judge, Kaimur at Bhabhua in connection with Sonhan (Bhabhua) P.S. Case No. 654 of 2020, corresponding to N.D.P.S. Case No. 35 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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