

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7619 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- ARA NAWADA District- Bhojpur

Hridaya S/O Of Sheshnath Gupta Village - Ram Nagar, P.S. - Rerapur,
District - Deoria, (U.P.).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with N.D.P.S. Case No.
3 of 2020 (arising out of Ara Nawada P.S. Case No. 107 of 2020)
registered for the offence punishable under Sections 20(b), (ii)(c),
21(c), 22(c) of the NDPS Act.

It is alleged that on search four bags containing 47.6 kg of
Ganja was recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that
petitioner has falsely been implicated in this case and has not
committed any offence as alleged in the FIR. No incriminating article



has been recovered from his conscious physical possession. He submits that recovery was made from the house which belongs to *Kiran Singh w/o Umashankar Singh* and not from the conscious possession of the petitioner. He submits that in search, mandatory provisions of Section 50 of N.D.P.S. Act has not been followed. He further submits that similiary situated co-accused has been granted bail *vide* order dated 29.06.2021 in Cr. Misc. No. 6632 of 2021 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and he is languishing in custody since 31.01.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with N.D.P.S. Case No. 03 of 2020 (Arising out of Ara, Nawad P.S. Case No. 107 of 2020).

(Anjani Kumar Sharan, J)

GAURAV S./-

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