

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8781 of 2021**

Arising Out of PS. Case No.-137 Year-2020 Thana- BIHPUR District- Bhagalpur

Bijay Kumar, Son of Late Naresh Mohan Ram @ Naresh Mohan Das, Village
Nawada Ps Kharik, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-04-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Bihpur P.S. Case No. 137/2020 registered for
the offences punishable under Section 20 & 22 of the N.D.P.S.
Act.

As per the prosecution story, while the informant was
on night patrolling duty along with police personnel and
checking the vehicle, on seeing the police two persons who
were riding on motorcycle tried to escape but on chase they
were apprehended and from their possession 450 gram of Ganja



were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The apprehended accused disclosed the name of the petitioner. Learned counsel submits that petitioner is in custody since 07.09.2020. It is further submitted that the seized ganja is much less than the commercial quantity.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein according to the prosecution story, the apprehended accused disclosed the name of the petitioner as a person from whom they were carrying 450 grams of Ganja, submission being that the petitioner has been falsely implicated in this case, nothing has been recovered from the possession of the petitioner and the co-accused from whom possession the Ganja was recovered has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 28006/2020, the quantity of Ganja is much less than the commercial quantity and as such rigours of Section 37 of the Narcotic Drugs & Psychotropic Substances Act would not be attracted, in the one case against the petitioner he is on bail, considering the entirety



of the facts and circumstances and the period of custody of the petitioner since 07.09.2020, this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – XII, Bhagalpur in connection with Bihpur P.S. Case No. 137/2020 corresponding to N.D.P.S. Case No. 17/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

