

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9117 of 2021

Arising Out of PS. Case No.-402 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

MRITYUNJAY KUMAR GIRI @ MRITYUNJAY GIRI SON OF LALAN
GIRI R/O VILLAGE- SITAL BARDAHA, P.S.- KUCHAIKOT, DIST.-
GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 26-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Kuchaikot P.S. Case no.402 of 2020 registered under Sections 20,22,25 and 29 of the NDPS Act.

There is recovery of 2 Kg. Ganja from the petitioners



house alleged in the FIR.

Learned counsel for the petitioner submits that the petitioner was not present at the time of recovery. There is no recovery from his conscious possession and he is in custody since 12.10.2020 having no criminal antecedent. Recovery is not in accordance with law and the alleged witnesses to the seizure have given an affidavit (Annexure-2 and 2/A) that they have not put their signature on the seizure list. The petitioner also stated to be a man of clean antecedent. The quantum of recovery is much less than the commercial quantity.

The learned APP has opposed the prayer for bail and submitted that the affidavit filed by the seizure list witnesses is an issue which can only be considered at the trial. The recovery is more than the minimum quantity.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Judge cum Special Judge (NDPS Act), Gopalganj in Kuchaikot P.S. Case no.402 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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