

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10576 of 2021**

Arising Out of PS. Case No.-349 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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AJAY KRISHNA SON OF SHANKAR RAY @ SHRI SHANKAR RAI
RESIDENT OF VILLAGE- KOLHUA PAIGAMBARPUR, P.S.-
AHIYAPUR, DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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

2 21-05-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Amit
Kumar Rakesh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Kanti P.S. Case No. 349 of 2020 registered for the
offences punishable under Sections 8, 20(b)(ii)(C) and 22 (C) of the
Narcotics Drugs and Psychotropic Substances Act (in short 'N.D.P.S.
Act').

Learned counsel for the petitioner submits that as per the
prosecution story total 500 grams ganja has been recovered from the
joint possession of this petitioner and two other accused persons.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 21.06.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that as per the prosecution story from the joint possession of three accused persons 500 grams contraband ganja has been recovered, it is not specific that from possession of this petitioner what quantity has been recovered and in any case the quantity is much below the commercial quantity and rigours of Section-37 of the N.D.P.S. Act would not be attracted, the petitioner has remained in jail in connection with the present case since 21.6.2020 and only one case which is there against the petitioner he is on bail by the learned court below, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Muzaffarpur in connection with Kanti P.S. Case No. 349 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

