

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3096 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- GOVERNMENT OFFICIAL COMP. Dis-
trict- Nawada

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Santosh Kumar S/o Shri Kanhaiya Singh R/o village- Rampur, P.S.-
Marhowrah, District- Saran (Chapra)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in a case registered for
the offence punishable under Sections 8, 20(ii)(b)(c) of the
NDPS Act.

Allegedly, 5 kg contraband purported to be ganja was
recovered from the possession of petitioner in a bus in which he
was traveling.

The main submissions advanced by learned counsel
for the petitioner are that there is no criminal antecedent against
the petitioner and the search and seizure in respect of the alleged



contraband was not made in accordance with the mandatory provisions of NDPS Act and FSL report with regard to the alleged contraband has not been received and petitioner has been languishing in jail since 17.11.2021.

Learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR. The alleged contraband recovered from the possession of this petitioner comes in the purview greater than small quantity but less than commercial quantity and as per the paragraph 3 of petition the petitioner has got no criminal antecedent and he has been languishing in jail since 17.11.2021. Considering these facts and mainly the quantity of the alleged contraband, let the 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 concerned Court in connection with Special (NDPS) P.S. case No. 37 of 2021 on the following conditions:-

(1) Petitioner shall co-operate 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 tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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