

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2960 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- SALIMPUR District- Patna

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GANESH KUMAR S/o Shivji Rai R/o Mirampur, P.S.- Fatehpur, Dist-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c), 21(c), 25 and 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985 (in short
'NDPS Act') in which police, after investigation, submitted
charge-sheet under Sections 21(b) and 29 of the NDPS Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.10.2021, charge-sheet has been
submitted and is a person with clean antecedent.

Allegation is of recovery of 5.350 grams brown sugar
like material wrapped in ten sachets.

Learned counsel for the petitioner submits that small



quantity of brown sugar is five grams but in the FIR, recovery of 5.350 grams of brown sugar is shown from the petitioner. Learned counsel further submits that the alleged narcotic was weighed along with the sachet and even assuming what is alleged is true without admitting the same for the purposes of bail then it is the first offence of the petitioner and he is a person with clean antecedent. Learned counsel next submits that the charges against the petitioner have been framed but trial has not commenced.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 04.10.2021, charge-sheet has been submitted, is a person with clean antecedent, it is the first offence of the petitioner and recovery is little more than small quantity and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released 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 learned Court below where the case is pending in connection with Special Case No. 142 of 2021 arising out of Salimpur P.S. Case No. 139 of 2021, subject to the



condition that one of the bailors shall be his father Shivji Rai and further if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner then in that event the learned court below shall forthwith cancel the bail bond of the petitioner by recording reasons.

(Satyavrat Verma, J)

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