

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9963 of 2022

Arising Out of PS. Case No.-356 Year-2021 Thana- GORAUL District- Vaishali

SUBODH RAI Son of Sri Ramjee Rai Resident of Village - Asadhpur,
Maibhara, P.s.- Goraul (O.P. Kathara), Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 8, 20, 21 and 22 of the NDPS Act.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that in fact,
according to the F.I.R and seizure list, 1.5 Kg. of Ganja is said
to have been recovered from the possession of co-accused,
Chotu Kumar on whose disclosure, name of this petitioner
transpired in this case. He further submits that, in fact,
neither anything incriminating has been recovered from the
conscious possession of the petitioner nor the petitioner has



been apprehended from the spot. He further submits that the alleged quantity of Ganja does not fall within the purview of commercial quantity and the petitioner has sufficiently been punished for the alleged recovery as he has been languishing in judicial custody since 28.12.2021 i.e. seven months. He further submits that since the alleged recovery is little bit more than small quantity, thus, there is no bar to this Court to grant the privilege of bail to the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the seized article is ganja, which is contraband substance.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Garaul (Kathara O.P.) P.S. Case No. 356 of 2021 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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