

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12097 of 2022

Arising Out of PS. Case No.-762 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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MUNNA PRASAD @ MUNA PRASAD Son of - Krishnaji Prasad Resident
of Village - Hajiyapur Khad, Ward No. 16, Police Station - Nagar Gopalganj,
District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Gopalganj P.S. Case No. 762 of 2021 registered for the offence

under Sections 8(c)/21(a)(b) of N.D.P.S Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 18.10.2021.

The allegation against the petitioner is to have in

possession of smack like substance of total weight 17.72 gm.

wrapped in paper..

Learned counsel appearing on behalf of the petitioner



submitted that recovered amount of smack like substance is much less than commercial quantity, which has been recovered from the bag which not belongs to petitioner. It has been submitted that seizure list is not supported by independent witnesses and it appears that it is in violation of Section 100 of the Cr.P.C. It has further been submitted that provision as regard to search upon the person as provisioned under Section 50 of N.D.P.S. Act was also not complied with. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation has been completed in this case, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery is from the bag, where the quantity is 17.72 gm. as per seizure list.

Considering the facts and circumstances as mentioned above, as seizure list is disputed, where recovery cannot be gathered from the physical possession of the petitioner coupled with the fact that quantity recovered is less than commercial quantity, where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gopalganj P.S. Case No. 762 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Krishnaji Prasad who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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