

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20864 of 2021

Arising Out of PS. Case No.-184 Year-2020 Thana- IMAMGANJ District- Gaya

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GANPAT RAM SON OF KHUMA RAM Resident of Village - Lego Kidhani,
P.S.- Jodhpur, Distt.- Jodhpur, (Rajasthan).

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Dheeraj Kumar, Advocate.
For the State : Mr. Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 27-01-2022 The applicant/accused in Crime No.184 of 2020 registered with Police Station-Imamganj (N.D.P.S. Case No.41 of 2020) for the offences punishable under Sections 15/17 of the N.D.P.S. Act, by this application is seeking his release on bail during the pendency of the trial.

It is argued that the chargesheet has been filed and there is no material on record to show that the liquid which is allegedly seized from the applicant is opium.

The learned Prosecutor relying on the counter affidavit filed by the Investigating Officer has opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me and also the counter affidavit filed by the Investigating Officer.

According to the prosecution case, the applicant was



found in possession of three bottles of liquid. The Investigating Officer is of the opinion that the liquid found in three bottles is an opium which is a narcotic substance.

Prima facie, it is found that the contraband which is allegedly seized was not any subject to the field testing by the appropriate kit. The prosecution has contended that the sample of the seized substance is sent for forensic examination. The report of the forensic examination is not received by the prosecution as yet even after filing of the chargesheet. The applicant is not having any criminal antecedents. There is no material to prima facie indicate that the seized liquid is an opium. In this view of the matter, further pretrial detention of the applicant is not required and therefore the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.184 of 2020 registered with Police Station-Imamganj (N.D.P.S. Case No.41 of 2020) for the offences punishable under Sections 15/17 of the N.D.P.S. Act, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise



or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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