

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12042 of 2022

Arising Out of PS. Case No.-837 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Chandan Kumar Mahto @ Chandan Mahto S/o Sri Ram Mahto R/o village-
Keshopur, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India New Delhi

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2022 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 Town P.S. Case No. 837 of 2021 registered for the
offence under Sections 8(c) and 21(a) of NDPS Act.

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



custody since 18.11.2021.

The allegation against the petitioner is to have in possession of 11.54 grams (including wrapper) of smack like substance.

Learned counsel appearing on behalf of the petitioner submitted that provision of Section 50 of NDPS, as regard to search, was not complied with in the present case. It is submitted that, admittedly, the recovered quantity of alleged contraband i.e., smack is less than commercial quantity, as such, the provision of Section 37 of NDPS Act is not attracted in the present case. It is pointed out that petitioner is involved in three different nature of criminal cases, in which he is on bail. While concluding the argument, it is submitted that chargesheet has been submitted without obtaining the FSL report.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that recovered contraband i.e. smack is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as chargesheet has been submitted without obtaining the FSL report and further considering the quantity, let the petitioner, above named, is directed to be released on bail in connection with Gopalganj Town P.S. Case No. 837 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 District and Sessions Judge, Gopalganj/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Lali Devi, who is the wife of the petitioner and deponent of the present bail petition.

(iv) If the petitioner tampers with



the evidence or witnesses, in that event, Trial
Court shall be at liberty to cancel the bail
bond of the petitioner.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

