

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12492 of 2022**

Arising Out of PS. Case No.-332 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

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Garib Nath Son of Late Ramchandra Mahto Resident of Village- Gopalpur
Gopal, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Opposite Party/s : Mr. Khurshid Anwar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 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 Bochahan
P.S. Case No. 332 of 2021 registered for the offence under
Sections 20 and 22 of NDPS Act and Section 30(a) of Bihar
Prohibition and Excise Act.



The accused/petitioner is named in the F.I.R. and is in custody since 02.12.2021.

The allegation against the petitioner is to have in possession of 150 ml of liquor and 120 gm of contraband i.e., Ganja.

Learned counsel appearing on behalf of the petitioner submitted that the seizure list is disputed for the reason that it was not supplied to the petitioner as one of the mandatory conditions. It has further been submitted that the alleged recovery of contraband was less than smaller quantity and also the the recovery has not been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in one case of similar nature in which he is on bail. While concluding the argument, it has further been submitted that investigation of the case is complete and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the Ganja recovered is less than smaller quantity.

Considering the facts and circumstances as mentioned above, as the seizure list is appearing disputed creating doubt



over the alleged recovery of illicit liquor and Ganja from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bochahan P.S. Case No. 332 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 Exclusive Special Excise Court No.1, Muzaffarpur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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
Sunil Choudhary, who is the brother-in-law
of the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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