

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13093 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- Kanhauli District- Sitamarhi

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Arun Kumar S/o Fekan Sah R/o Village- Kanhauli, Ward No.-6, P.S.-
Kanhauli, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kanhauli P.S. Case No. 157 of 2021 lodged under Sections 8/20
(b) (ii) (B) NDPS Act.

As per the prosecution case, the allegation against the
petitioner is that he was apprehended by the police and during
search, 1.5 kg of Ganja was recovered from his possession
which come within the purview of NDPS Act.

Learned counsel for the petitioner submits that the
recovered material is Ganja for which the commercial quantity
as per NDPS Act is 20 kg.

He further submits that petitioner is in custody since 09.12.2021 and charge sheet has already been filed in this case. He is not ascertain that whether charge has been framed in this case or not. He further submits that the weight of the recovered material is more than small quantity but much less than the commercial quantity. Therefore, Section 37 of the NDPS may not be attracted.

He further submits that petitioner has criminal antecedent having one case pending relating to Excise Act against him. On the point of criminal antecedent, petitioner is ready to fulfill all the conditions whatsoever shall be imposed by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS Act, Sitamarhi in connection with Kanhauli P.S. Case No. 157 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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Item No. 12

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