

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14141 of 2022**

Arising Out of PS. Case No.-418 Year-2021 Thana- NAGAR District- Vaishali

SANJAY PASWAN S/o Chandeshwar Paswan R/o village- Dighikala, Purbi,
P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 22-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 8(i), 20(b)(ii)(B), 23(B) and 29 of the
N.D.P.S. Act.

Recovery is of altogether 4.3 Kg. of Ganja from the
possession of the petitioner and his companion.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R. and
the seizure list that altogether 4.3 Kg of ganja has been recovered
from the possession of the petitioner and other but as a matte of
fact, only 2 Kg of ganja has been shown to be recovered from the
possession of the petitioner. He further submits that as per



notification issued under the N.D.P.S. Act, 1985, the small quantity of Ganja has been specified as 1 Kg. whereas the commercial quantity has been specified as 20 Kg. In fact, in this case, the total recovery is of 2 Kg of ganja from the conscious possession of the petitioner as per seizure list, thus, it is apparent that the quantum of recovery of alleged ganja from the possession of the petitioner is less than the maximum limit of commercial quantity and the same does not fall within the purview of commercial quantity, hence, there is no bar for this Court to grant the privilege of bail to the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Town P.S. Case No. 418 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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