

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14347 of 2022

Arising Out of PS. Case No.-566 Year-2021 Thana- BHORE District- Gopalganj

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RANJAN KUMAR Son of Purnamashi Sah @ Purnavashi Sah R/O Bhorey,
P.S.- Bhorey, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Shukla

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 15-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State
through video conferencing.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 20(b)(ii)(B), 22 and 24 of the
NDPS Act.

As per allegation narcotic material weighing 19.65 gram
suspected to be smack kept in several packets was recovered from the
possession of the present petitioner.

The main submissions advanced by the learned counsel
for the petitioner are that alleged recovered narcotic material is less
than commercial quantity but more than small quantity and without
getting FSL report of contraband, police submitted charge sheet in
connection with contraband against the petitioner and he has been



languishing in jail since 25.12.2021 and has got no criminal antecedent and while making search and seizure of the alleged concerned mandatory provision of NDPS Act was not complied by the police party.

On behalf of the prosecution, no one is present.

Having considered the recovery of alleged contraband which comes under the purview of less than commercial quantity and as per para 3 of the petition, petitioner has got clean antecedent and he has been languishing in jail since 25.12.2021 accordingly in my view, a lenient approach may be taken in respect of the petitioner. Let the 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 the Sessions Judge, Gopalganj in Tr. no. 02/2022 arising out of Bhorey P.S Case No. 566 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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