

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16800 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- BASANTPUR District- Siwan

NITESH SINGH S/o Vidha Singh R/o village- Basantpur, P.S.- Basantpur,
P.O.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 20 of N.D.P.S. Act.

Recovery is of 245 Grams of Ganja.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR that altogether 245 grams of Ganja has been recovered from the Gumti /shop of the petitioner. Further submits that the seized ganja found is only 245 grams which is considered as small



quantity. He further submits that the recovered Ganja is less than the commercial quantity and Section 37 of the NDPS Act has not come on the way to enlarge the petitioner on bail and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2022.

Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the FSL Report confirms that the recovered contraband is Ganja. Further submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Basantpur P.S. Case No.61 of 2022, 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 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) If the petitioner finds in the case of similar nature in future, the learned court below shall be at liberty to cancel his bail bond after recording the reasons.

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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