

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19198 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- SHEOHAR District- Sheohar

Ramu Tiwari Son Of Late Shivji Tiwari @ Shiv Tiwari Resident Of Village-
Nagar Parishad Sheohar Ward No. 04, P.S.- Sheohar, District-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2022 Heard Ms.Vaishnavi Singh, learned counsel for the
petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sheohar P.S. Case No.55/2022 instituted under Sections 8,
20(B)(ii)(A) of the Narcotic Drugs and Psychotropic Substances
Act, 1985.

As per the allegation, the police apprehended the
petitioner herein and it is alleged that he was searched in the
presence of two independent witnesses and altogether 18
(Eighteen) Puriyas of '*Ganja*' and 27 (Twenty Seven) piece
PAPTAAN GOCO (Ganja Pine Wala) were recovered from his
possession. On weighting the aforesaid Ganja on the Electronic
Weighing Machine, the total weight of Ganja came to be 42 gm.



(Forty Two Gm.). In the presence of two independent witnesses, the seizure list was prepared, they put signature, on the seizure list. On the basis of aforesaid recovery/seizure, the accused was arrested and sent to the judicial custody.

Learned counsel for the petitioner submits that he actually was running a '*Paan*' shop for the last two decades and is a man of clean antecedent but due to the local politics he was falsely implicated in this case. She further submits that even if the allegation is taken on its face, the quantity of 42 Gms. is much below that envisaged in NDPS Act. She lastly submits that for the said alleged act, he is in jail since 21.02.2022 (as stated in para-18 of the bail application).

Taking into account the fact that the total quantity is alleged to be 42 Gms., the petitioner has clean antecedent (as stated in para-3 of the bail application) is in jail since 21.02.2022, the charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sheohar P.S.



Case No.55/2022 to the satisfaction of learned District and Sessions Judge cum Special Judge, Sheohar, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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