

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29828 of 2021**

Arising Out of PS. Case No.-603 Year-2020 Thana- SIWAN CITY District- Siwan

SURAJ SAH Son of Late Ramayan Sah Resident of Village - Makhdum
Sarai, P.S.- Sarai O.P., Siwan Town, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Pronoti Singh, APP

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

3 29-01-2022 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 the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Siwan Town P.S.Case No.603 of 2020 registered for the offence under Sections 18 and 22 of the N.D.P.S.Act, 1985.

The prosecution case, in short, is that there is recovery of 9.11 Gms of smack and one lighter from the conscious possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that as per the notification issued



under N.D.P.S.Act, 1985 the commercial quantity is to be 250 Gms, it appears from the seizure list that the quantity of smack recovered from the possession of the petitioner is less than the 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, submitted chargesheet against the petitioner and the petitioner is in custody since 01.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and 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.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with Siwan Town P.S.Case No.603 of 2020 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.

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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