

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29570 of 2021

Arising Out of PS. Case No.-776 Year-2020 Thana- AKBARPUR District- Nawada

PURUSHOTAM PRASAD SINGH @ PURUSHATAM SINGH Son of Late
Arun Singh Resident of Village- Gangta, Police Station- Akbarpur, District-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37781 of 2021

Arising Out of PS. Case No.-776 Year-2020 Thana- AKBARPUR District- Nawada

CHUNNU SINGH @ CHUNAR SINGH Son of Karu Singh Resident of
Village- Gangata, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29570 of 2021)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Preety Kunwar, A.P.P.

For the informant : Mr. Nand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 37781 of 2021)

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

Mr. Man Mohan Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 05-04-2022 Heard Mr. N.K. Agarwal, learned senior counsel for

the petitioners assisted by Mr. Bhawesh Kumar, learned

counsel for the petitioners and the learned A.P.P. for the

State.



The petitioners seek bail in a case registered for the offence under Sections 8(b), 20(a), 20(b) of the N.D.P.S. Act.

According to the prosecution, altogether 67.15 kgs. of Ganja plants were recovered from the land of petitioners.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that according to the prosecution case, ten Ganja plants of 35.100 Kg. is said to have been recovered from the land belonging to the petitioner, Purushotam Prasad Singh @ Purushatam Singh and seven Ganja plants of 32.05 Kg. is said to have been recovered from the possession of petitioner, Chunnu Singh @ Chunar Singh. He further submits that the alleged recovery of Ganja is not the net quantity of Ganja as quantum of recovery includes the stems, leaf and root of the recovered plants. He, however, further submits that the alleged quantity of recovery does not come within the purview of commercial quantity therefore, rigors of Section 37 of the N.D.P.S. does not come in to play in this case. The petitioners are rotting in judicial custody since 25.12.2020.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the F.S.L. report confirms that the recovered plants are of Ganja. The result of examination of Forensic Science Laboratory reads as under;

“The dry, greenish brown flowering and fruiting vegetable like substances contained in the paper envelope (exhibit marked A, B, C and D) as described above were found to be GANJA containing Tetra Hydroa Cannabinol (T.H.C.) as their chief intoxicating ingredient.

Ganja is the flowering & fruiting tops of the female plant of Cannabis Sativa.”

Considering the facts and circumstances of the case and the quantum of recovery, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. , 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Akbarpur P.S. Case No. 776 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.



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

(3) The petitioners shall put their attendance on every Monday in the local police station till the conclusion of trial and on their failure on two consecutive dates without sufficient reason, the concerned police station will submit a report regarding their absence to the court below and on such report, court below shall proceed to cancel the bail bond of the petitioners.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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