

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22082 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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PRAHLAD SHARMA Son of Lt. Jagdish Sharma Resident of village -
Hariharganj, Satganwan, P.S.- Hariharganj, District - Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2022 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.

Petitioner seeks regular bail in a case registered for the

offence punishable under Section 20(b) of NDPS Act.

As per allegation, a bag containing 11.61 kg narcotic

material suspected to be ganja was recovered from near of seat of the

petitioner in a public transport bus in which petitioner was travelling.

The main submissions advanced by Sri Yugal Kishore the

learned counsel appearing for the petitioner are that the alleged

narcotic material was not recovered from conscious possession of

the petitioner rather the same is alleged to have been recovered from

near of petitioner's seat. Admittedly, several passengers were



travelling in the bus and alleged narcotic material does not fall under commercial quantity and the petitioner has got clean antecedent and trial of the petitioner has not commenced till now.

Learned APP Sri Choubey Jawahar has opposed the prayer for bail.

Heard both sides and perused the FIR.

FIR goes to show that alleged bag containing narcotic material was recovered from near of petitioner's seat in a bus in which petitioner was travelling and the same does not appear to have been recovered from conscious possession of the petitioner and the petitioner was travelling in Bihar Tourism Bus at the time of alleged recovery and as per para 3 of the petition petitioner has got no criminal antecedent and as per above submissions, trial of the petitioner has not started till now. Moreover, alleged recovery comes under the category of less than commercial quantity.

Considering these facts, petitioner deserves privilege of bail. 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 Addl. Sessions Judge Ist- cum- Special Judge (NDPS), Aurangabad in P.R. No. 13 of 2022 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 and other bailer shall be local resident of Aurangabad district where petitioner's trial will commence.

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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