

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31208 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

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PRADEEP SAH Son of Sri Ram Dhar Sah Resident of Village - Saukhara,
P.S.- Chand, District – Kaimur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar,APP
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-02-2022 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.

Learned counsel for the petitioner has filed a supplementary affidavit stating therein that due to inadvertently in the 6th line of prayer portion at page 16 of the main petition is typed as satisfaction of “ learned C.J.M., Bhabhua” instead of “learned Special Judge, Bhabhua”.

The same be read as satisfaction of learned Special Judge, Bhabhua.

The petitioner seeks bail in connection with Chand P.S.Case No.18 of 2021 registered for the offence under Section 8(c), 20(ii)(b) and 22 of NDPS Act.



As per allegation the police getting secret information conducted a raid and recovered 8 kilograms of Ganja kept in different packets, from the shop/godown situated in the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that nothing has been recovered from the possession of the petitioner rather the recovery has been made from the Godown situated in the house of the petitioner. He further submits that as per notification issued under the N.D.P.S. Act, 1985, the commercial quantity of the Ganja has been defined to be 20 Kg. In fact, in this case, the quantity of the Ganja recovered from the house 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. The petitioner is in custody since 08.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner on the ground that there is recovery from the house of the petitioner.

Considering the aforesaid facts, 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 Special Judge, Bhabhua in connection with Chand P.S.Case No.18 of 2021 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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