

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21461 of 2022

Arising Out of PS. Case No.-2 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

Pramod Sah, S/O Yogendra Sah, Resident of Village- Purndaha, Rajwara,
P.S.- Sonbarsa, Distt- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Intelligence Officer, Narcotics, Control Bureau,
Patna. Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abu Nasar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Abu Nasar, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Govt. Complaint Case No. C2- 02/2019
registered for the offences punishable under Sections 8, 20 and
29 of Narcotic Drug and Psychotropic Substances Act
(hereinafter 'NDPS Act').

Before coming to the merit of the case, learned
counsel for the petitioner fairly submits that earlier the prayer
for bail of the petitioner was rejected by a coordinate Bench of



this Court in Cr. Misc. No. 72056 of 2019 vide order dated 04.11.2020.

It is further submitted that on a secret information received from Intelligence Wing that some persons are carrying Charas and Ganja, the SSB personnel intercepted the motorcycle on which two persons were riding and on search 7 Kg Charas and 8 Kg Ganja like substance were recovered. It is further submitted that the alleged recovery has been made from the joint possession of two of the persons including the petitioner and co-accused Mithilesh Kumar @ Mithilesh Sah and co-accused Mithilesh Kuamr @ Mithilesh Sah has already been granted bail by the learned coordinate Bench of this Court in the year 2020 itself in Cr. Misc. No. 81638 of 2019 vide order dated 20.01.2020, which was later on modified vide order dated 24.01.2020, the copies of which have been annexed as Annexure-3 to the bail application.

It is next submitted that there are other infirmities in preparation of seizure list, apart from the fact that there was no compliance of Section 50 of the N.D.P.S. Act, however, he fairly submits that all the facts were taken into consideration while rejecting the prayer for bail of the petitioner. It is next submitted that earlier the bail application of the petitioner was rejected on



04.11.2020 and this petitioner is renewing his prayer for bail after 1 ½ years with a submission that though the charges were framed way back in the year, 2020, but till date not even a single prosecution witness has been examined. It is lastly submitted that so far the alleged recovered Ganja like substance is concerned, admittedly the same is below the commercial quantity, however, so far Charas like substance is concerned, the same is more than commercial quantity. The petitioner is in custody since 14.03.2019.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that earlier the bail application of the petitioner has been rejected on merits and a huge quantity of Charas and Ganja have been recovered from the possession of this petitioner and one another co-accused person.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 14.03.2019 and moreover recovery has been made from the joint possession of the petitioner and one Mithilesh Kuamr @ Mithilesh Sah, who has already been granted bail by the learned coordinate Bench of this Court in the year 2020 itself in Cr. Misc. No. 81638 of 2019 vide order dated



20.01.2020 and after framing of charge way back in the year 2020, not even a single witness has been examined in the case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge–cum–Special Judge, NDPS Act, Sitamarhi in connection with Govt. Complaint Case No. C-2/2/2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

