

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23314 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- BARH District- Patna

Arvind Saw Son Of Late Ram Sharan Sao R/O Village- Manjhala Bigha,
P.O.- Bihari Bigha, P.S.- Pandarak, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special (NDPS) Case No. 35 of 2022 arising out of Barh P.S.
Case No. 71 of 2022 lodged under Sections 8/20(ii)
(b)/27(A)/25/29 of N.D.P.S. Act.

The prosecution case is that upon raid the police has
arrested the petitioner and from his possession 1.200 kg. Ganja
has been recovered.

Learned counsel for the petitioner submits that the
alleged recovery has not been made from the conscious
possession rather it was recovered from a moped. He further

submits that recovery of 1.200 kg. is much below than the commercial limit, therefore, does not come within the purview of Section 37 of the N.D.P.S. Act. He further submits that petitioner is in custody since 11.02.2022, having one antecedent of Electricity Act and not that of N.D.P.S. Act. He further submits that petitioner is read to fulfill any condition whatever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that it is true that the recovered quantity is a little more than the small quantity but there is apprehension of his absconding from trial.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge (NDPS), Patna in connection with Special (NDPS) Case No. 35 of 2022 arising out of Barh P.S. Case No. 71 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with further following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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