

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24461 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- PALANWA District- East Champaran

1. Vishal Kumar Son Of Ram Ekbal Das Resident Of Village - Raxaul Ward No.- 20 Mauze, P.S.- Raxaul, Distt.- East Champaran
2. Narayan Ram Son Of Hiralal @ Hira Lal Ram Resident Of Village - Dhore, P.O.- Pakaha, P.S.- Pokhariya, Dist.- Parsa - Nepal.

... .. Petitioner/S

Versus

1. The State Of Bihar.
2. The Zonal Director Narcotics Control Bureau Patna Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-08-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
NDPS P.S. Case No. 18 of 2022 arising out of Palanwa
(Bhelahi) P.S. Case No. 43 of 2022 lodged under Sections 20(b)
(ii)(B) of the NDPS Act.

As per the prosecution case, a total of 0.850g *Ganja*
was alleged to recovered from the possession of Narayan Ram,
petitioner no. 2 but confession has been made in the F.I.R. itself
by petitioner no. 2 that the said *Ganja* belongs to him.



Learned counsel for the petitioners submits that as per the NDPS Act, the small quantity of *Ganja* is 1Kg whereas, the quantity of the *Ganja* recovered from the petitioners' possession is less than the small quantity. He further submits that petitioners are in custody since 28.02.2022, chargesheet has already been filed and petitioners have clean antecedent. He further submits that the present offence is not covered in the category of Section 37 of NDPS Act and the maximum punishment as per the allegation of the F.I.R. is one year.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Session Judge/ Special court, East Champaran, Motihari in connection with NDPS P.S. Case No. 18 of 2022 arising out of Palanwa (Bhelahi) P.S. Case No. 43 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 bailors shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioners 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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