

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25342 of 2022

Arising Out of PS. Case No.-551 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Munna Ansari Son of Late Abbas Ansari Resident of Village - Stuwarganj,
Ward no.7, Mohaniya, P.s.- Mohaniya, Distt.- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 18-08-2022 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
N.D.P.S. Case No. 09 of 2022 arising out of Mohania P.S. Case
No. 551 of 2021 lodged under Sections 8(C)/21(a)(b)/27(A) of
the Narcotics Drugs and Psychotropic Substance Act.

As per the prosecution story, two packets, one
containing 22.58 gram and another containing 23.55 grams,
total 46.13 gram of smack/ heroin is alleged to be recovered
from the possession of petitioner.

Learned counsel for the petitioner submits that as per
the schedule of NDPS the commercial quantity for smack/

heroin is 250 grams whereas the small quantity is 5 grams, so the total recovered material is much less than the commercial quantity. Learned counsel for the petitioner further submits that the present case is not covered under Section 37 of the NDPS Act. He further submits that petitioner is in custody since 28.11.2021. On the point of one more criminal antecedent of petitioner, learned counsel for the petitioner submits that petitioner is on bail in earlier case and he is ready to fulfill all the conditions, whatsoever shall be imposed upon the petitioner.

Learned counsel for the State opposes the prayer for bail and submits that smack/ heroin has been recovered from the possession of petitioner, but he admits that the quantity is much smaller than the commercial quantity but higher than the small quantity.

Considering the 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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with N.D.P.S. Case No. 09 of 2022 arising out of Mohania P.S. Case No. 551 of 2021, subject to the conditions as laid down under Section 437(3) of

Cr.P.C. with other 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.

Speedy trial is the Constitutional vision of justice, here in the present case petitioner is accused in Mohania P.S. Case No. 19 of 2018 under Section 21(b) of N.D.P.S. Act as well as Mohania P.S. Case No.551 of 2021 under Sections 8(C)/21(a)(b)/27(A) of the N.D.P.S. Act. In this circumstances the trial of both the cases has to run before the same NDPS Court, with same date.

This Court is directing to the District and Session

Court, Kaimur at Bhabua that both the cases shall run before the same Court with same date.

Let the copy of the order is communicated to the District and Sessions Judge, Kaimur at Bhabua for perusal and necessary direction.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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