

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38499 of 2021**

Arising Out of PS. Case No.-205 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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Amod Singh S/O Ramadhar Singh @ Ramadhar Rai, R/o village- Patahara,
P.S.- Jadopur, District- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India through Deputy Revenue regional unit Patna Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2022 Heard learned counsel for the petitioner and Ms. Asha
Devi, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Gopalganj Town P.S. Case No. 205/2021 (Trial No. 20/21) registered for the offences punishable under Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act (in short the “N.D.P.S. Act”). He is in custody since 22.03.2021 having no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, on the basis of secret information, the informant reached at Lakhpatiya More, on seeing the police party the accused person tried to flee away but the informant with the help of police personnel apprehended the



petitioner and on search total 650 gram of Ganja was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that as per the F.I.R. 650 gram of Ganja is said to have been recovered from possession of the petitioner but the search was not conducted in presence of a Magistrate.

Ms. Asha Devi, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that as per the F.I.R. 650 gram of Ganja is said to have been recovered from the possession of petitioner but the search was not conducted in presence of a Magistrate and the procedure established by law for this purpose has not been followed and further that the rigours of Section 37(2)(b) of the N.D.P.S. Act would not be attracted in the present case, petitioner has no criminal antecedent and has remained in custody in connection with this case since 22.03.2021, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I – cum-Special Judge, N.D.P.S. Act,



Gopalganj, in connection with Gopalganj Town P.S. Case No. 205 of 2021 (Trial No. 20/2021), subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

