

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37975 of 2021**

Arising Out of PS. Case No.-235 Year-2021 Thana- KANTI District- Muzaffarpur

Pankaj Kumar @ Pankaj Kumar Jha Son Of Jitendra Jha Resident Of Village -
Kanti Kasba, Ward No.- 03, P.S.- Kanti, District - Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anjana, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-01-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Mohammed Arif, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kanti P.S. Case No. 235 of 2021
registered for the offences punishable under Sections 8, 20, 22
of the N.D.P.S. Act. He is in custody since 24.03.2021 The
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant along with other police
officials on secret information raided the house of one Jitendra
Jha, who is the father of the petitioner. On seeing the police



party, three persons tried to flee away but Pankaj Kumar (this petitioner) was apprehended. On search of the house of Jitendra Jha, 3kg of ganja has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the recovered ganja. The petitioner is in custody since 24.03.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering that the Bar of Section 37 of the N.D.P.S. Act would not be attracted in this case because the quantity of ganja is only 3 kg and further that the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 24.03.2021, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Muzaffarpur in connection with Kanti P.S. Case No. 235 of 2021, subject to the conditions 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

