

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29450 of 2022

Arising Out of PS. Case No.-92 Year-2020 Thana- MAHUA District- Vaishali

Binod Ray @ Binod Kumar Rai Son Of Vindeshwar Ray R/O Village-
Abdulpur, P.S.- Sahdei, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Mahua P.S. Case No. 92 of 2020 registered for the offences
under Sections 20, 22, 27(A) of the N.D.P.S. Act.

Allegedly, from the possession of this petitioner 198
grams narcotic material suspected to be Charas was recovered
and 193 grams narcotic material suspected to be Charas was
recovered from the possession of co-accused Vikas Kumar
Singh.

The main submissions advanced by the learned



counsel Mr. Manish Chandra Gandhi, for the petitioner are that against the petitioner there are seven criminal cases in addition to the present case and he has got bail in four cases and after arresting in the present case the petitioner has been remanded in three cases and all these cases have been lodged under the relevant Sections of the I.P.C. and any of them does not relate to N.D.P.S. Act and the alleged recovered contraband is slight more than small quantity and the same is less than commercial quantity. Further submission is that the alleged offence under Section 27A of the N.D.P.S. Act is not made out and one co-accused Vikash Kumar Singh has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc.No.22756 of 2020 and the said co-accused was initially granted provisional bail with some conditions and thereafter his privilege was confirmed by the Court below.

Learned APP Mr. Pranav Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The present case relates to the recovery of narcotic material suspected to be Charas and the quantity of alleged recovered material comes under the purview of less than commercial quantity and the petitioner has been languishing in jail since 23.02.2020 and



similarly situated co-accused has been granted bail by a co-ordinate bench of this Court vide order passed in above-mentioned criminal miscellaneous case. So far as the alleged offence punishable under Section 27A of the N.D.P.S. Act under which the FIR of instant case has also been registered, is concerned, the FIR does not disclose that the petitioner has remained indulged in financing any of the activities specified in sub Clauses (i) to (v) of Clause (viii b) of Section 2 of the N.D.P.S. Act and there is also no material to show that the petitioner has harboured any person engaged in any of the said activities. Hence in view of these facts the restriction to bail mentioned in Section 37 of the N.D.P.S. Act does not apply in the present matter. Considering these facts and mainly taking into account the petitioner's case being similar to co-accused who is on bail in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mahua P.S. Case No. 92 of 2020, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

sangam/-

U		T	
---	--	---	--

