

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39138 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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LALAN SWARNKAR @ LALAN SONI Son of Bhudev Swarnkar R/o
Baniyapatti, Ward No. 04, P.S.- K. Nagar and District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Verma, Advocate.

For the Opposite Party/s : Mrs.SHAHEEN BEGUM, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 21.03.2021,
seeks regular bail in connection with NDPS Case No. 25 of
2021, arising out of K. Nagar P.S. Case No. 123 of 2021 for the
offence punishable under Sections 8/20(B)(ii)(B) of the NDPS
Act.

The prosecution case, in brief, is that the informant
who is a police official received secret information that at
village Baniyapatti chowk, one person has kept ganja in his



house. A raid was conducted at about 00:25 hours along with other police personnel in presence of the neighbour of the petitioner's house following the provisions of Section 50 of the NDPS Act, search was conducted and 1.700 Kg of ganja was recovered and the petitioner was apprehended on the spot. Seizure list was prepared in presence of independent witnesses.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner is a poor labourer and has clean antecedent. He is in custody since 21.03.2021. Nothing has been recovered from conscious possession of the petitioner and the narcotics (ganja containing Tetra Hydro Cannabinol) which is said to have been recovered from the house of the petitioner is much less than the commercial quantity, the petitioner is entitled to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and the quantity of marijuana (ganja) recovered from the house of the petitioner is less than the commercial quantity, without going into the merits of the case,



the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum Special Judge, NDPS Act, Purnea in connection with NDPS Case No. 25 of 2021, arising out of K. Nagar P.S. Case No. 123 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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