

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40152 of 2021**

Arising Out of PS. Case No.-61 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Shyambabu Singh, son of Late Kailash Singh, Resident of Village- Aura,
Ward No. 01, P.S.- Tariyani, District- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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

2 08-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Tariyani P.S. Case No. 61 of 2021 registered for the offences punishable under Section 8 and 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. He is in custody since 17.03.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that the petitioner is selling contraband Ganja from Thakurwari Temple, he reached along with raiding team



and searched the Temple and recovered 4 Kg. 200 gram contraband Ganja. Petitioner was apprehended and disclosed his name as Shyamnandan Singh.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that police has recovered 4 Kg. 200 gram contraband Ganja from Thakurwari Temple not from the conscious possession of the petitioner.

Mr. Dashrath Mehta, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the quantity of ganja being 4 Kg. 200 grams which is less than the commercial quantity and the rigours of section 37(2)(b) of the N.D.P.S. Act would not be attracted, the petitioner has otherwise no criminal antecedent, and the petitioner is in custody since 17.03.2021 and investigation against him is complete, 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 Sessions Judge, Sheohar, in connection with Tariyani P.S. Case No. 61 of 2021, G.R. No. 383/2021, 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'.

