

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40429 of 2021

Arising Out of PS. Case No.-150 Year-2021 Thana- DIGHWARA District- Saran

1. KAMLESHWAR KUMAR SINGH @ GANPAT SINGH Son of Late Saryug Singh Resident of Village - Sitalpur Dih, P.S.- Dighwara, District - Saran.
2. Sonu Kumar Son of Tarkeshwar Singh Resident of Village - Sitalpur Dih, P.S.- Dighwara, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Dighwara P.S. Case No. 150 of 2021 (NDPS Special Case No. 16 of 2021) registered for the offence under Sections 20 and 22 of the N.D.P.S. Act.

Recovery is of 3 puria Ganja.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R.



itself that total 3 puria of Ganja is alleged to have been recovered from the house of petitioner No.1 whereas nothing incriminating has been recovered from the possession of petitioner No.2. He further submits that according to the seizure list 94 gram Ganja has been recovered from the house petitioner No.1. He also submits that rigors of Section 37 of the NDPS act does not apply in this case as the alleged recovery does not fall within the purview of commercial quantity, hence, there is no bar for this Court to grant the privilege of bail to the petitioners. The petitioners are rotting in judicial custody since 08.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.1 carries one more case other than the present one whereas the petitioner No.2 is of clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge- cum- Special Judge, Saran at Chapra in connection with Dighwara P.S. Case No. 150 of 2021 (NDPS Special Case No. 16 of 2021) with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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