

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40094 of 2021**

Arising Out of PS. Case No.-111 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Upendra Prasad Son of Nathuni Prasad @ Nathuni Ray Resident of Village -
Agarawa, P.S. - Jitana, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

7 06-07-2022 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 petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 8, 20(b) (ii) (B) of the
Narcotic Drugs and Psychotropic Substances Act.

The prosecution case, in short, is that on 27.03.2021,
the informant S.S.B., Omkar, on the basis of information, he along
with police force reached at village Balua then on seeing police
force one person started fleeing away on motorcycle, but on
chase he was apprehended and disclosed his name as Upendra
Prasad. On search 3 kg. of ganja was recovered under the seat of



the motorcycle and the same was seized in accordance with law.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 3 Kg. of *ganja* has been recovered from the motorcycle in question. He further submits that the recovered *ganja* is less than the commercial quantity and Section 37 of the N.D.P.S. Act has not come on the way to grant the bail to the petitioner. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.03.2021.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered substance is *ganja* but fairly submits that the recovered *ganja* is less than the commercial quantity.

Considering the facts and circumstances of the case and the period of custody already suffered since 28.03.2021, let the petitioner, above named, be released 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 learned Court below where the case is pending in connection with N.D.P.S. Case No. 30 of 2021 arising out of Ghorasahan (Jitna) P.S. Case No. 111 of 2021, with 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 and shall remain physically present as directed by the Court 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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