

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41235 of 2021**

Arising Out of PS. Case No.-462 Year-2020 Thana- GORAUL District- Vaishali

Deepak Kumar, son of Devnathi Sahni @ Devnath Sahni, R/o- Village -
Raghunathpur (Imadpur), P.S. - Bhagwanpur, District - Vaishali at Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Niranjan Parihar, Advocate

For the Opposite Party : Mr.Amit Kumar Rakesh, APP

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

4 14-02-2022 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. Amit
Kumar Rakesh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Goraul P.S. Case No. 462 of 2020 registered
for the offences punishable under Section 8/20(b)(ii)(c) of the
Narcotic Drugs and Psychotropic Substances Act. He is in
custody since 16.11.2020 having no criminal antecedent as
stated in paragraph '3' of the application.

As per the prosecution story, while the informant with
other police personnel was searching a Bus, a women namely,
Girja Devi and a boy namely, Deepak Kumar were sitting in the



cabin of the bus, the informant recovered 4 kg. 980 grams of Ganja from possession of Girja Devi and Deepak Kumar (petitioner). Thereafter, they were taken into custody.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the alleged quantity of Ganja is less than the commercial quantity and rigours of section 37(2)(b) of the N.D.P.S. Act would not be attracted in this case.

Mr. Amit Kumar Rakesh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the fact that the alleged quantity of Ganja recovered is 4 kg. 980 grams which is much less than the commercial quantity and rigours of section 37(2)(b) of the N.D.P.S. Act would not be attracted in this case, further that the co-accused Girja Devi has been granted bail by a learned coordinate Bench of this court in Cr. Misc. No. 49190/2021 with a direction to release her once charge is framed and the trial commence, the case of the petitioner being similarly situated with her and he has remained in custody in connection with this case since 15.11.2020, this court has been informed that the charges have already been framed but no witness has turned up so far, 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 A.D.J.- 1st-cum-Special Judge, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 462 of 2020, 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'.

