

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31709 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- SARAIYA District- Muzaffarpur

Pramod Kumar Chaubey @ Pramod Chaubey S/o Kailash Chaubey Resident
of Village- Bahilwara Khurampur, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Saraiya P.S. Case No.177 of 2022 registered for the alleged offences under Sections 272, 273 of the Indian Penal Code, Section 30(a) of Bihar Prohibition & Excise Act, 2016 and Sections 20/22 of NDPS Act.

Allegedly, from the shop of the petitioner, the police recovered 1 Kg of Ganja and 4.47 liters of illicit liquor

Learned counsel for the petitioner submits that the petitioner is innocent and nothing has been recovered from his



conscious possession. The allegation of recovery from the shop is incorrect as the recovery was made from outside the shop. There has been violation of mandatory provision of Section 50 of NDPS Act while making search and seizure. Moreover, the quantity of Ganja recovered would come under the small quantity as notified. The charge sheet has been submitted in this case and the petitioner is in custody since 19.03.2022.

Learned APP opposes the prayer for bail submitting that recovery of narcotic substance as well as illicit liquor were made from the shop of the petitioner, who has been dealing in trade of illicit liquor and narcotic substance. The petitioner is having criminal antecedent of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 19.03.2022, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Muzaffarpur in connection with Saraiya P.S. Case No. 177 of 2022 subject to the following conditions :

- (i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

(ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not indulge in similar type of offences in future.

(v) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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