

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32923 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Bhajram Behra, Son of Late Ram Krishn Behra, Resident of Village-
Similiguda Gandhi Nagar, Police Station-Sunabera, District-Korapurt.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-09-2022 Heard Mr. Birendra Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Syed Mojibur Rahman,

learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Special (NDPS) Case No. 40 of 2021 for the offence punishable
under Sections 8/20(ii)(b) of the N.D.P.S. Act.

Prosecution story, in brief, is that 10 Kg of ganja was
recovered from a passenger bus bearing registration no. JH-
05DA-9090. Petitioner was travelling by the said bus.

Learned counsel appearing on behalf of the petitioner
submitted that the bus from which alleged recovery of ganja has



been made is not owned by the petitioner rather the same belongs to one Natraj Travels. The petitioner is not in any manner related with the said Natraj Travels. Petitioner was sitting on seat no. 31 and the alleged recovery has been made from the seat adjacent to the petitioner. Even taking into account the merits of the case, total quantity of ganja recovered is less than the commercial quantity and the petitioner has remained in custody since 15.12.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the period of custody undergone by the petitioner, petitioner has made specific statement that no recovery has been from conscious physical possession of the petitioner, the alleged recovery has been shown to be from above mentioned bus which doesn't belong to the petitioner, without going into merits of the case, the court below is directed to verify the criminal antecedent of the petitioner, if it is found that the petitioner is having clean antecedent as mentioned in Para-3 of the bail application, the petitioner, above named, is directed to be enlarged 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 the learned Sessions



Judge, Nawada in connection with Special (NDPS) Case No. 40 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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