

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32725 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- MOKAMAH District- Patna

Upendra Roy S/o Late Meghan Roy R/o village- Mekra Mahua Sathan, P.S.-
Mokama, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr. Ajay Kumar Thakur, Snr. Advocate.
	: Mr. Shivam, Advocate.
For the Opposite Party/s	: Mr. Lalan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within

one month.

Mr. Ashok Kumar Thakur, learned counsel for the pe-
titioner and Mr. Lalan Kumar, learned APP for the State are
present and they are heard.

Petitioner seeks regular bail in connection with
Mokama P.S. case no. 413 of 2021 registered for the offences
punishable under Sections 20(b)(ii)B and 22 of the NDPS Act.

As per the allegation, from the house of this petitioner
which was raided by the police 8 kg narcotic material suspected
to be Ganja was recovered, the said recovery was made before
the Block Development Officer and two independent persons.



The main submissions advanced by Mr. Ajay Kumar Thakur, learned senior counsel for the petitioner are that the petitioner has been languishing in jail since 23.12.2021 and he has clean antecedent and the alleged recovered contraband comes under the purview of lesser than commercial quantity and while making search and seizure the mandatory provisions of section 41 and other sections of the NDPS were not complied with by the raiding party and without obtaining the FSL report of the alleged contraband the petitioner has been chargesheeted.

Mr. Lalan Kumar, learned APP has opposed the prayer for bail.

In view of the above submissions and mainly considering the petitioners clean antecedent and his custody period and also taking into account the quantity of the alleged recovered narcotic material suspected to be Ganga which is stated to be lesser than commercial quantity, in the opinion of this Court, a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Mokama P.S. case No. 413 of 2021 on 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 below and shall remain physically present as directed by the Court below 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 tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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