

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42820 of 2021**

Arising Out of PS. Case No.-68 Year-2021 Thana- BELDOUR District- Khagaria

Umesh Sah S/O Rajendra Prasad Sah Resident Of Village And P.S. - Beldaur,
District - Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

2 16-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Choubey Jawahar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 03 of 2021 arising out of Beldaur P.S. Case No. 68 of 2021 registered for the offences punishable under Sections 20(b)(ii)(C)/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'N.D.P.S. Act'). He is in custody since 01.04.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that



this petitioner is doing business of ganja in his house and shop. On this information, the informant along with other police officials raided the house of the petitioner where on seeing the police party, this petitioner tried to flee away but got apprehended. On search of the house of this petitioner, total 11.150 kg of ganja was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no independent seizure list witnesses rather the police constables have signed the seizure list as witnesses. It is also submitted that the recovered quantity of the ganja is less than the commercial quantity. The petitioner is in custody since 01.04.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that in this case the alleged quantity of ganja recovered from the first floor of the house of the petitioner is said to be of 11.150 kg which is less than the commercial quantity and the case would not attract the rigors of Section 37 of the N.D.P.S. Act and further that the petitioner had earlier got one case in which he has been acquitted and the State's appeal has also been dismissed against



that, seizure list witnesses are the police constables, in the present case he has remained in custody since 01.04.2021, investigation against him is complete and the presence of the petitioner may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge (N.D.P.S. Act) Khagaria in connection with Beldaur P.S. Case No. 68 of 2021, subject to the conditions 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

