

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45326 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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PREM PATEL Son of Late Bhoj Patel Resident of Village- Rupahitar, P.S.-
Bhitaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and 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, who is in custody since 14.03.2021,
seeks regular bail in connection with N.D.P.S. (Spl.) Case No.
12 of 2021 for the offence punishable under Sections 8, 20(ii)(b)
(c) of the N.D.P.S. Act.

The prosecution case, in brief, is that in course of
vehicle checking, a bus bearing Registration No. JH 01 CC 4851
was checked by the informant along with excise officials and on



search 10 kilograms of Marijuana (ganja) was recovered from a bag kept inside the bus.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged. He further submits that merely on the basis of suspicion, he has been roped in the present case and the alleged bag kept in the bus from which 10 Kgs of Marijuana (ganja) was recovered does not belong to the petitioner. The same was seized from the rack inside the bus. The quantity of Marijuana which has been seized alleged to be of the petitioner is less than the commercial quantity. Petitioner is in custody since 14.03.2021.

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

Considering the aforementioned facts and circumstances of the case coupled with the contention raised by learned counsel for both the parties and without going into the merits of the case, the petitioner is entitled to be released on bail. The court below is directed to release the petitioner on bail after verifying all the documents submitted by the petitioner and also his criminal antecedent, 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 N.D.P.S. (Spl.) Case No. 12 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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