

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.45151 of 2021**

Arising Out of PS. Case No.-206 Year-2021 Thana- SURSAND District- Sitamarhi

Pulkit Tanti @ Pulis Tanti @ Pulkit Tati, S/O Munshi Tanti, R/O Village-  
Mathar (MACHHAR), P.S-Mufassil, District-Khagariya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Subesh Sharma, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2      28-02-2022              Learned counsel for the petitioner undertakes to  
  
remove all the defects as pointed out by office within two weeks  
  
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in  
  
connection with Sursand P.S. Case No.206 of 2021 registered  
  
for the offences punishable under Sections 8/20 (B)(ii)(c)/22(B)  
  
of the N.D.P.S. Act. He is in custody since 29.04.2021. The  
  
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per  
  
the First Information Report, 5 kgs of Ganja has been allegedly  
  
recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the alleged recovery of Ganja has not been made from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 29.04.2021 having no criminal antecedent.

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

Having regard to the submission that from the possession of the petitioner allegedly 5 kgs of ganja has been recovered which is less than the commercial quantity and rigours of Section 37 of the N.D.P.S. Act would not be attracted, he has no criminal antecedent and is in custody since 29.04.2021, the co-accused Pankaj Yadav has been granted bail by the learned court below itself and the presence of the petitioner may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Sursand P.S. Case No.206 of 2021, subject to the condition 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.

**(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'.

