

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36303 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- GAUNAHA District- West Champaran

Ram Surat Chaudhary Son of Ramdeo Chaudhary, Resident of Village - Manguraha, Naya Tola, Ward No.- 3, P.S.- Gaunaha, District - West Champaran (Bihar).

... .. Petitioner/s

Versus

The Union of India, Through the Inspector General, S.D.B. Frontier Head Quarter, Patna, Govt. of India, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. K.N.Singh (A.S.G.)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned counsel for the Union of India assisted by learned counsel for the State.

The petitioner seeks regular bail in connection with Gaunaha P.S. Case No. 78 of 2022, lodged under Sections 8, 20(b), II (B), 23(B), 29 of NDPS Act.

As per the prosecution case, the total recovery of 10 Kg. 200 gram *Ganja* has been made from the possession of petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further

submits that the alleged recovery is 10 Kg. 200 gram *Ganja* which is much less than the commercial quantity. Learned counsel for the petitioner further submits that petitioner is in custody since 16.04.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Bettiah (West Champaran) in connection with Gaunaha P.S. Case No. 78 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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