

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46592 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- SONPUR RAIL P.S. District- Saran

1. SHATRUDHAN KUMAR S/O SHASHI MAHTO R/o village- Chitar Senpur, P.S.- Sonpur, District- Saran
2. MUKUL KUMAR S/o Uttam Mahto R/o village- Chitar Senpur, P.S.- Sonpur, District- Saran
3. SUNIL KUMAR S/o Bijay Mahto R/o village- Chitar Senpur, P.S.- Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
Mr. Anuj Kumar, Adv.
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with NDPS Case No. 06/2021 arising out of Sonpur Rail P.S. Case No. 29/ 2021 registered for the offences punishable under Sections 8/20(b)(ii) (B) of the NDPS Act.

The prosecution case in short is that on 10/11.03.2021



the informant was on patrolling duty. During checking three Sepoy who were escorting Train no. 05049 came with four teenagers who were not having tickets. On search, altogether 12.560 kg. of ganja was recovered from possession of the petitioners.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. He further submits that it appears from the seizure list that 6.180 kg. of ganja was recovered from possession of petitioner no. 1, 3.130 kg of ganja was recovered from possession of petitioner no. 3 and 3.250 kg. of ganja was recovered from possession of petitioner no. 2. He further submits that recovered ganja is less than commercial quantity and, therefore, rigors of Section 37 of the N.D.P.S. Act are not applicable in the present case. He further submits that petitioners are in custody since 12.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer of bail by submitting that there is huge recovery of ganja from possession of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing



bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum Special Judge, N.D.P.S. Act, Saran at Chapra in connection with NDPS Case No. 06/2021 arising out of Sonapur Rail P.S. Case No. 29/2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

