

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47559 of 2021**

Arising Out of PS. Case No.-164 Year-2020 Thana- BARURAJ District- Muzaffarpur

Lakshman Ram @ Lakxman Ram, S/o Bhavichhan Ram, R/O Village- Sri
Rampur, P.S- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 02-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Virendra Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Satyendra Narayan Singh,
learned Additional Public Prosecutor of the State.

The petitioner seeks regular bail, who is in custody in
connection with N.D.P.S. Case No. 73 of 2020, arising out of
Baruraj P.S. Case No. 164 of 2020, registered for the offences
under Sections 8, 20 and 22 of the N.D.P.S. Act.

As per the prosecution case, it is alleged that the
police on secret information that one person is indulged in
selling of Charas, apprehended this petitioner and on search
being made total 500 gms of Charas like substance was



recovered.

Learned counsel for the petitioner submits that in fact nothing has been recovered from the person or possession of this petitioner, but only because of some altercation, which took place between the petitioner and the police, he has been implicated in this case and the recovery has been shown from his possession. Learned counsel has also drawn the attention to this Court towards the last paragraph of the F.I.R. wherein the petitioner himself confessed his involvement in connection with four other cases, which shows the high handedness of the police. It is next submitted that the alleged recovered Charas like substance is though greater than the smaller quantity, but lesser than commercial quantity and as such rigor provided under Section 37 of the N.D.P.S. Act would not be applicable in the present case. It is also submitted that after conclusion of the investigation, charge-sheet has been submitted without obtaining any F.S.L. report, which also vitiates the prosecution case. It is next submitted that there is no compliance of mandatory provision as prescribed under Section 50 of the N.D.P.S. Act and moreover this petitioner is in custody since 03.09.2020.

On the other hand, learned APP for the State opposes



the bail application and submits that the recovery of Charas like substance has been made from the possession of this petitioner, apart from the fact that he has criminal antecedent.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery of Charas like substance is less than commercial quantity and no rigors provided under Section 37 of the N.D.P.S. Act would be applicable, inasmuch as, no compliance of Section 50 of the N.D.P.S. Act and he is in custody since 03.09.2020, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge- cum- Spl. Judge (N.D.P.S. Act), Muzaffarpur in connection with N.D.P.S. Case No. 73 of 2020, arising out of Baruraj P.S. Case No. 164 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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