

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38069 of 2022**

Arising Out of PS. Case No.-20 Year-2022 Thana- NTPC District- Bhagalpur

MD. INTESAR S/o Md. Ganouri R/o village- Rajganj, P.S.- Pirpanti,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 28-09-2022 Heard Mr. N.K. Agrawal, learned Senior
Counsel for the petitioner and Mr. Jitendra Kumar Singh,
learned APP who represents the State.

Let the defect(s), if any, as pointed out by the
office be removed within four weeks.

The petitioner is in judicial custody in
connection with N.T.P.C. P.S. Case No. 20 of 2022 for the
offences under Section 20/22 of NDPS Act.

As per the prosecution story, the police upon
information caught a person carrying 'Ganja'. The police
found two packets of 'Ganja' weighing about 3 kg. from
the bag of the petitioner and accordingly seizure list
prepared, FIR lodged and he was arrested.



Learned Senior Counsel submits that even going by the alleged recovery, though denying the same, it is much below the commercial quantity, he is in custody since 27.3.2022 (as stated in para-14 of the bail application) has no criminal antecedent and is ready to abide by all the terms and conditions if released on bail. It has further been submitted by the learned Senior Counsel that irrespective of the result of the case, the petitioner would contribute Rs. 10,000/- towards Patna High Court Legal Services Committee by way of Demand Draft issued by the State Bank of India, local branch.

Mr. Jitendra Kumar Singh, learned APP on the other hand opposes the bail.

Taking into account the fact that the petitioner is in custody since 27.3.2022, has no criminal antecedent, recovery is of 3 kg 'Ganja' and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 10,000/- as narrated above with strict conditions. If, however, it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on



furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge IVth, Bhagalpur, in connection with N.T.P.C. P.S. Case No. 20 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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