

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40018 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- MURLIGANJ District- Madhepura

Pradeep Sharma Son of Chandra Kishore Sharma Resident of village-
Murliganj, ward No. 10. P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-10-2022 The learned counsel for the petitioner is directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Murliganj P.S. Case No. 152 of 2022 registered for the offence

punishable under Sections 18, 20, 22 of N.D.P.S. Act

Allegedly, from the possession of this petitioner 200

gm of narcotic material suspected to be *Ganja* was recovered

and from the possession of co-accused Laleshwar Sah the same

material weighing 250 gm was recovered.

The main submissions advanced by the learned

counsel Mr. Uday Chand Prasad appearing for the petitioner are



that the petitioner's case stands on similar footing with co-accused Mr. Laleshwar Sah who has been granted bail by a Co-ordinate Bench of this Court vide order passed in Cr. Misc No.38070 of 2022 and the alleged recovered narcotic material comes under the purview of small quantity and the alleged search was not made before the independent witnesses. Further submission is that the seized suspected narcotic material was not tested by forensic science laboratory and without getting the expert's opinion the alleged seized material has been deemed to be *Ganja* and the petitioner has been languishing in jail since 31.03.2022.

Learned APP Mr. Anand Mohan Prasad Mehta appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the quantity of the alleged seized suspected narcotic material and also considering the maximum punishment for the alleged wrong of the petitioner mentioned in the N.D.P.S. Act and also the fact that similarly situated co-accused Laleshwar Sah is on bail in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of



concerned Court in Connection with Murliganj P.S. Case No. 152 of 2022 on the following conditions.

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

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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