

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48460 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- MAJORGANJ District- Sitamarhi

ARVENDRA KUMAR S/o Pukar Patel Resident of Village- Raghunathpur
Ward No. 6, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 19-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 8,20(b)(ii)(B) of N.D.P.S.Act and Section 30(a) of the Bihar Prohibition and Excise Act.

On search, 5 Kg Ganja and 150 bottles of Nepali Saufi wine of 300 ml each i.e. 45 liters were recovered from the bags of the petitioner. Two mobile phones and some currency were also recovered.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that it appears from the FIR that 5 Kg Ganja and 45 liters of Nepali Saufi wine, Rs.1000/-Indian currency and Rs.50/- Nepali currency has been recovered from conscious possession of the petitioner. He further submits that the recovered Ganja is less than the commercial quantity so there is no embargo under Section 37 of the N.D.P.S.Act to release the petitioner on bail. Petitioner is in custody since 08.03.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the FSL Report confirms that the recovered article is Ganja and the recovered Ganja is more than the small quantity so petitioner may not enlarge on bail.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Majorganj P.S. Case No.39 of 2021, with 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



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. 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)

Nitesh/-

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

