

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49350 of 2021

Arising Out of PS. Case No.-260 Year-2021 Thana- AHYAPUR District- Muzaffarpur

Md. Alam Hussain @ Chunu S/O Md. Manjoor Shah R/O Village-Shekhpur,
P.S- Ahiyapur, District-Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner 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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 401, 411/34 of the Indian Penal Code and Sections 20, 22 of the N.D.P.S. Act.

According to prosecution case, total 1 kg. 350 grams Ganja was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that all



together 1 Kg. 350 grams of Ganja has been recovered from the possession of the petitioner and other co-accused person, 400 grams of Ganja has been recovered from the possession of the petitioner. He further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. It appears that quantity of Ganja recovered from the petitioner is less than the commercial quantity, hence, there is no bar of this Court to grant of bail to the petitioner. The petitioner is in custody since 09.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail and submitted that the F.S.L. report confirms that the article seized was found to be Ganja.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ahiyapur P.S. Case No. 260 of 2021 (N.D.P.S. Case No. 34/2021), subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

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