

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41198 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- BAISI District- Purnia

ANIL KUMAR BOSAK Son of Late Jamun Lal Bosak Resident of village-
Chocha Ward No. 6 PS- Baisi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special (NDPS) Case No. 09 of 2022 arising out of Baisi P.S.
Case No. 379 of 2021 registered for the offences punishable
under Sections 8, 20(b)(ii)(B) and 29 of the NDPS Act.

As per prosecution case, there is alleged recovery
of 1 kg 64 gram Ganja from the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.12.2021. Petitioner bears no
criminal antecedent. Learned counsel further submits that the
petitioner is quite innocent and has falsely been implicated in



the present case and has committed no offence as alleged in the F.I.R. Learned counsel further submits that the alleged recovery of ganja is 1 Kg and 64 grams which is less than commercial quantity as per NDPS notification. Seizure list has not been made as per law. The contravened (Ganja) has not been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Special (NDPS) Case No. 09 of 2022 arising out of Baisi P.S. Case No. 379 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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