

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50178 of 2021

Arising Out of PS. Case No.-467 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Ramesh Mukhiya S/O Shankar Mukhiya R/O Village-Dhat, P.S-Simrougadh,
District-Bara (NEPAL).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 25-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with NDPS Case No. 69 of 2020 arising out of
Ghorasahan (Jitna) P.S.Case No. 467 of 2020 registered for
the offences punishable under Sections 20,22,24 of the
NDPS Act.

As per the prosecution case, it is alleged that the
police on secret information apprehended this petitioner and



on search being made 11kg. Ganja has been recovered from his possession.

It is submitted by the learned counsel for the petitioner that nothing has been recovered from actual conscious possession of the petitioner rather the recovery has been made from sack which was thrown by the co-accused person while fleeing but the same has been shown to be recovered from possession of the petitioner . It is next submitted that the alleged recovery is less than commercial quantity and there are other serious infirmities in the seizure list as well as there is no compliance under section 43 and 50 of the NDPS Act. It is also submitted that the charge sheet has been submitted without obtaining the report of Forensic Science Laboratory and moreover, petitioner is in custody since 03.12.2020, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that huge quantity of Ganja has been recovered from possession of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that alleged recovered



Ganja is less than the commercial quantity and moreover, petitioner is in custody since 03.12.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, East Champaran in connection with Ghorasahan Jitna P.S. Case No. 467 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

N.K/-

(Harish Kumar, J)

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