

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42943 of 2022

Arising Out of PS. Case No.-524 Year-2021 Thana- BUXAR District- Buxar

RAMJI SAH S/o Baijnath Sah @ Chotak Sah Resident of Village- Yogia,
P.S.- Dinara, District- Rohtas. Presently residing at Shanti Nagar, Ward
No.34, Buxar, P.S.- Buxar (T), District- Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 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
N.D.P.S. Case No. 02 of 2022 arising out of Buxar (T) P.S. Case
No. 524 of 2021 registered for the offences punishable under
Sections 21, 22 and 27 of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery
of nine sachet of Heroine like substance weighing 2 gm 78 mg
from the right pocket of pant of petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.11.2021. Petitioner bears no



criminal antecedent. Learned counsel for the petitioner further submits that local police wants petitioner to work as spy but the petitioner did not agree for the same on account of which he has been falsely implicated in this case. Petitioner has no concern with the aforesaid occurrence and no incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner also submits that alleged recovery of Heroine is 2 gm 78 mg which is less than small quantity as 5 gm Heroine comes under the purview of small quantity, as per N.D.P.S. notification.

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, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge III -cum- Special Judge, Buxar in connection with N.D.P.S. Case No. 02 of 2022 arising out of Buxar (T) P.S. Case No. 524 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)

alok/-

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

