

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41430 of 2022

Arising Out of PS. Case No.-193 Year-2022 Thana- TARIYANI CHOWK District- Sheohar

AJAY RAY S/O BIR BAHADUR RAY Resident of Village- Kushhar
Dakshinwari Tola, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Shankar Pandey

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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.

Learned counsel for the petitioner has submitted
interlocutory application which is kept on record.

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

The petitioners seek bail in connection with
Tariyani P.S. Case No. 193 of 2022 registered for the offences
punishable under Sections 8, 20(B) ii(c) of N.D.P.S. Act.

As per prosecution case, there is alleged recovery
of 700 gr ganja like substance from the grocery shop of the
petitioner.

Learned counsel for the petitioners submits that
petitioners are in custody since 09.06.2022. Petitioners bear no



criminal antecedent. Petitioner is innocent and has been falsely implicated in this case. There is no any independent witness. Seizure list has not been made as per law and while conducting search there is complete violation of Section 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that while making search none of the mandatory provisions of the N.D.P.S. Act has been followed by the police. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that alleged recovery of ganja is 700 gm which is less than small quantity as 1000 gm ganja 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 petitioners.

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 petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Sheohar in connection with Tariyani(Sheohar)



P.S. Case No. 193 of 2022 under Section 20(B)ii(C) of N.D.P.S.
Act, 1985, 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) Petitioners 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 petitioners tamper 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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