

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53397 of 2021**

Arising Out of PS. Case No.-288 Year-2020 Thana- HATHAURI District- Muzaffarpur

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SURAJ SINGH S/o Manoj Kumar Singh R/o village and P.O.- Uphraulia,  
P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

5      24-08-2022              Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Samrendra Kumar Jha, learned counsel for the petitioner as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hathauri P. S. Case No. 288 of 2020 registered for the offences punishable under Sections 20/22 of the Narcotic Drugs And Psychotropic Substances Act and Section 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, they intercepted a



person, who was riding on a motorcycle and on search 500 grams charas was recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner rather the same has been recovered from another place but only in order to implicate the petitioner, the recovery has been shown from the possession of this petitioner. It is next submitted that the recovered charas like substance is though more than smaller quantity but admittedly less than commercial quantity and as such, the rigours provided under Section 37 of the N.D.P.S. Act would not be applicable in this case. He submits that there is no compliance of Section 50 of the N.D.P.S. Act in as much as the charge sheet has been submitted without obtaining F.S.L report, apart from the other infirmities. Learned counsel for the petitioner last submits that the petitioner is in custody since 22.12.2020.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged charas like substance has been recovered from the conscious possession this petitioner.



Having considered the submissions made on behalf of the parties and taking into account the fact that alleged recovery of charas like substance is below the commercial quantity and as such, rigours provided under Section 37 of the N.D.P.S. Act would not be applicable in this case and he is in custody since 22.12.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, N.D.P.S., Muzaffarpur in connection with Hathauri P. S. Case No. 288 of 2020, subject to the condition that one of the bailors will be the close relative 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.

- (v) 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 cancelling 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.

**(Harish Kumar, J)**

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