

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54020 of 2021**

Arising Out of PS. Case No.-368 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Rahul Kumar Jha Son of Manoj Jha Resident of Village - Ram Nagar, P.s.-
Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. A.G.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 17-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with N.D.P.S. Case
No. 42 of 2021 arising out of Town P.S. Case No. 368 of 2021
registered for the offences punishable under Section 414 of the
Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act
and Sections 8, 20(b)(i)(A) of NDPS Act.

Recovery is of total 01 kg. of Ganja from the
possession of the petitioner.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 01 Kg. of Ganja has been recovered from the possession of the petitioner. He further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. It appears that quantity of Ganja recovered from the petitioner is less than the commercial quantity, hence, there is no bar of this Court to grant of bail to the petitioner. He further submits that there is no compliance of Section 50 of N.D.P.S. Act and police after investigation submitted the charge sheet against this petitioner. He further submits that similarly situated co-accused, namely, Pankaj Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 29.03.2022 passed in Cr. Misc. No. 50214 of 2021, another co-accused namely, Raushan Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 29.03.2022 passed in Cr. Misc. No. 56883 of 2021. The petitioner is in custody since 13.05.2021.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report



confirms that the seized articles is Ganja and petitioner carries three criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Muzaffarpur in connection with N.D.P.S. Case No.42 of 2021 arising out of Town P.S. Case No. 368 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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