

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53580 of 2021

Arising Out of PS. Case No.-64 Year-2021 Thana- KHODAWANDPUR District- Begusarai

Umakant Mahto @ Kuntal S/O Late Lakhan Mahto R/O Village-Fafaut, P.S-
Khodawandpur, District-Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1
For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 24-08-2022 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.

Petitioner seeks bail in a case registered in
connection with Khodawandpur P.S.Case No. 64 of 2021
arising out of N.D.P.S Case No. 06 of 2021 registered for
the offences punishable under Sections 20 (ii)(c) and 22(c)
of the NDPS Act.

As per the prosecution case, it is alleged that while
the police party was engaged in vehicle checking, they
intercepted a motorcycle in which the petitioner and his son
was sitting and on search 10 kg Ganja was recovered from



a bag which was carried by the petitioner.

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 different places and petitioner has been falsely implicated in this case. It is next submitted that the alleged recovered Ganja like substance is admittedly, more than small quantity but less than commercial quantity and as such rigor provided under section 37 of the NDPS Act would not be applicable in the present case. It is also submitted that the police without obtaining FSL report has submitted charge sheet in this case, which also vitiate the investigation in as much as there is no compliance of Section 50 of the NDPS Act, apart from other irregularities. It is lastly submitted that petitioner is aged about 67 years having fair antecedent and is in custody since 21.03.2021.

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 like substance is less than commercial quantity, the application of section 37 of the NDPS Act would not come in the way to release the petitioner on bail and further he is having fair antecedent and is in custody since 21.03.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Begusarai in connection with Khodawandpur P.S.Case No. 64 of 2021 arising out of NDPS Case No. 06 of 2021 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.

(Harish Kumar, J)

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