

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56641 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- DALSINGHSARAI District- Samastipur

Hari Lal Rai Son Of Jatan Rai R/O - Ward No.-10, Village- Pand, P.S.-
Dalsingsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad,Adv

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 20,25 and 8C of Narcotics Drugs and Psychotropic Substances Act, 1985.

Allegation is that 7 ½ Kg of Ganja has been recovered from the house of the petitioner which was wrapped in the plastic bag.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits it appears



from the FIR that 7 ½ Kg of Ganja has been recovered from the joint house property of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and the recovered Ganja is not come in the purview of the commercial quantity and the petitioner is not apprehended on the spot and Section 37 of the NDPS Act not come on the way for grant of bail to the petitioner. Petitioner is in custody since 28.07.2021.

On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the FSL Report confirms that the recovered substance is Ganja and the petitioner is co-owner of the house in question he cannot say that he has no knowledge about the Ganja.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dalsinghsarai Police Station Case No.10 of 2019, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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