

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55671 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- KANTI District- Muzaffarpur

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Santosh Jha @ Santosh Kumar Jha @ Santosh Kumar, S/O Jitendra Jha, R/o
village- Kanti Kasba, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-04-2022 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 learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Kanti P.S. Case No. 235 of 2021 for the
offences punishable under Sections 8, 20 and 22 of the NDPS
Act.

As per prosecution story it is alleged that the
informant along with other police officials on secret information
raided the house of one Jitendra Jha, who is the father of the
petitioner. On seeing the police party three persons including
this petitioner fled away. However, co-accused Pankaj Kumar



was apprehended. It is further alleged that on search of the house of Jitendra Jha 3 Kg of Ganja has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent having clean antecedent and he has no concern with the recovery of the said Ganja and he is in custody since 01.06.2021. Learned counsel next submits that there is no compliance of Sections 42 and 50 of the NDPS Act and further the alleged quantity of Ganja is less than commercial quantity and as such the bar of Section 37 of the NDPS Act would not be attracted. It is further submitted that co-accused Jitendra Jha and Pankaj Kumar have already been granted bail by Co-ordinate Benches of this Court in Cr. Misc. No. 38787 of 2021 vide order dated 13.12.2021 and Cr. Misc. No. 37975 of 2021 vide order dated 19.01.2022. Copies of which have been produced by the learned counsel for the petitioner, which are taken on record.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having considered the submissions made on behalf of the parties and considering the fact that bar of Section 37 of the NDPS Act would not be attracted because the quantity of Ganja is less than commercial quantity and the petitioner has got no criminal antecedent, apart from the parity also demands release



of the petitioner on regular bail.

In the aforesaid facts and circumstances, let the petitioner, named above, 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 Additional Sessions Judge-IV, Muzaffarpur in connection with Kanti P.S. Case No. 235 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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