

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59244 of 2021

Arising Out of PS. Case No.-905 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Pankaj Kumar Son of Late Nandu Rai Resident of Village - Bada Jagarnath
Vishahar Sthan, P.S. - Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India. Govt. of India

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Vipin Kumar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-04-2022 Heard learned counsel for the parties.

The petitioner is seeking bail in connection with NDPS Case No. 129 of 2020 arising out of Ahiyapur P.S. Case No. 905 of 2020 registered under section 414 of the Indian Penal Code and 20, 22 of the NDPS Act.

As per prosecution case, the Ahiyapur police upon secret information moved and caught the petitioner smoking Ganja/Smack in 'Lichhi Garden' which according to the police weighed 1.5 Kg.

Learned counsel for the petitioner submits that the police itself says that he was consuming Ganja/Smack. He further submits that the quantity was not for commercial purpose and he further submits that mandatory provisions of



NDPS Act was not followed while preparing the seizure list.

Learned counsel for the Union of India as well as the State concede the point that besides the same being small quantity, the provision of NDPS Act has not been followed by the police in the present case.

The petitioner is in custody since 1.12.2020.

Taking into account the aforesaid facts, let the petitioner be released on bail on furnishing bail bond of Rs. 25000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IV-Cum-Special Judge, Muzaffarpur, in connection with with NDPS Case No. 129 of 2020 arising out of Ahiyapur P.S. Case No. 905 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner and will produce official document to show his bona fide;

(ii) the petitioner shall ensure his presence in the pending trial on each and every date and failure to do so for two consecutive dates without plausible reason, the Trial Court shall shall cancel the bail bond;

(iii) he shall visit the local police station every fortnight for three months to mark his presence;



(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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