

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60717 of 2021

Arising Out of PS. Case No.-200 Year-2021 Thana- SONBERSA District- Sitamarhi

Md. Raja S/o Late Gaffar R/o village- Basantpur, P.S.- Sri Nagar, District-
Sarlahi (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendar Thakur
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-04-2022 Let the defects, if any, be removed within four weeks
from today.

Learned counsel for the petitioner seeks permission to
make necessary correction in the father name of petitioner
within course of the day.

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 Sonbarsa P.S.Case No. 200 of 2021 for the offences
punishable under Sections 8/20, (b) (ii) (B) N.D.P.S Act.

As per the prosecution case, it is alleged that on
12.07.2021 on the basis of confidential information raid was
conducted and petitioner was apprehended, and on search 4.656
Kg Ganja was recovered from conscious possession of the



petitioner. It is further alleged that some Nepali currency was also recovered from possession of the petitioner and seizure list has been prepared.

It is submitted on behalf of the learned counsel for the petitioner that though recovery has been made from bag which is said to have been carried by the petitioner but the fact is that bag does not belong to the petitioner. It is further submitted that alleged recovery of Ganja is 4.656 Kg, which is much less than commercial quantity and as such embargo as provided under section 37 of the N.D.P.S.Act could not be applicable. It is also submitted that petitioner is first offender and is in custody since 13.07.2021. It is lastly submitted that investigation has already concluded and the charge sheet has submitted.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that there is recovery from possession of this petitioner and this petitioner belongs to Nepal (Sarlahi) and as such if he would be release on bail, it is difficult to secure his attendance in trial. In response to the submission made on behalf of the State, the learned counsel for the petitioner submits that he is ready to provide local bailors and gives undertaking before this Court that he will remain present on each and every date and co-operate in the trial.



Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is first offender and is in custody since 13.07.2021. Apart from the fact that recovered Narcotics and Psychotropic substance is less than commercial quantity and does not attract embargo as provided under section 37 of the N.D.P.S Act, 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 cum Special Judge N.D.P.S Act, Sitamarhi in connection with Sonbarsa P.S.Case No. 200 of 2021, 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.

(v) One of the bailors of the petitioner shall be



resident of a place within the jurisdiction of the learned trial
court.

(Harish Kumar, J)

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