

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51140 of 2022

Arising Out of PS. Case No.-310 Year-2019 Thana- MAHESI District- East Champaran

Amit Kumar Son Of Late Ganesh Thakur R/O Village- Maruabad, P.S.-
Mehshi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-12-2022 The matter has been taken-up through video
conference.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 8, 20(b)
(ii) (B) of the Narcotic Drugs and Psychotropic Substances Act,
1985.

Allegation is of recovery of 2.134 kilogram *Ganja*
from the house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. It is further submitted that the petitioner has not been arrested from the spot. The petitioner has no concern with the recovered Ganja. Further, it is submitted that the witnesses of seizure list are official persons and there is no independent witnesses of the seizure list. It is contended that there is violation of Sections 42, 52, 55 and 57 of the N.D.P.S. Act. It is also submitted that the said seized articles (Ganja) is less than the commercial quantity. It is further submitted that the petitioner was never involved in such type of cases before. The petitioner is in custody since 20.05.2022, charge-sheet has been submitted in this case and he has antecedent of one case.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Session Judge/ Special Judge, East Champaran, Motihari in connection with N.D.P.S. case no. 74/2019 arising out of Mehashi (Jai Bajrang O.P. Partapur) P.S. Case No. 310 of 2019, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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