

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61224 of 2021

Arising Out of PS. Case No.-6 Year-2017 Thana- MAHNAR District- Vaishali

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Dipak Kumar, Son of Pramod Sah Resident of Village - Ashrafpur, P.s.-
Supaul, Patori, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Mahnar
P. S. Case No. 06 of 2017, instituted for the offences under
Sections 22/23 of the NDPS Act.

The learned counsel for the petitioner submits that
the petitioner is in custody since 24.08.2021, charge-sheet has
been submitted and has antecedent of three cases under the
NDPS Act.

Learned counsel for the petitioner submits that the
informant alleges that he saw a person came with plastic packet
and started tying the same on the back career of a standing
motorcycle and when the informant inquired about the same, he
fled away leaving the said packet and motorcycle. On search of
plastic bag 4.5 kg ganja was recovered and accordingly the
same handed over to the police.

Learned counsel for the petitioner submits that he has
been falsely implicated in the present case, he is neither arrested
on the spot nor alleged search and seizure was made by the any
officer of NDPS Department.



Learned counsel for the petitioner further submits that the alleged motorcycle was registered in the name of one Navin Kumar Chaudhary, he sold the said motorcycle to one Umesh Rai. Again he sold the said motorcycle to Pramod Sah who is the father of the present petitioner. It is thus submitted that petitioner being the son of the purchaser of the motorcycle cannot be made an accused, it is further submitted that the petitioner was not put on TIP so that the informant could have identified whether he was the person or not who tied the plastic bag on the carrier of the motorcycle.

Learned counsel for the petitioner further submits that petitioner is remanded in this case from Sarai Ranjan (Samastipur) P.S. Case No. 113 of 2017 merely because the alleged motorcycle belonged to his father. He further submits that the alleged recovery of ganja is much less than the commercial quantity.

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

Considering the fact that the petitioner is in custody since 24.08.2021, charge-sheet has been submitted and was not arrested on the spot in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hazipur in connection with Mahnar P.S. Case No. 06 of 2017 with conditions that one of the bailors shall be the father of the petitioner. The petitioner shall be released after framing of charge.

(Satyavrat Verma, J)

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