

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63504 of 2021**

Arising Out of PS. Case No.-304 Year-2021 Thana- SURSAND District- Sitamarhi

MAHESH RAY @ MAHESH KUMAR Son of Ramgulel Ray @ Gulel Ray
Resident of Village- Mirampur, P.S.- Fatepur in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 27-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sursand
P.S. Case No. 304/2021 registered for the offences punishable
under Sections 8/20(b)(ii)(B)/ 22(B) of the Narcotic Drugs and
Psychotropic Substance Act.

As per prosecution case, there is alleged recovery of
05 K.G. Ganja from the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is languishing in custody since 01.07.2021 and bears
criminal antecedent of one case which is not similar to the
present case. From bare perusal of the seizure list, it appears that
nothing has been recovered from the conscious possession of
the petitioner rather alleged recovery of 05 K.G. Ganja was



made from the plastic bag which was thrown away by unknown person. Learned counsel for the petitioner submits that small quantity of Ganja is 01 K.G. and commercial quantity is 20 K.G. and the alleged recovery of 05 K.G. Ganja comes under purview of intermediary quantity. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Seizure list indicates that seizure list has been prepared later on at the police station and with oblique motive and malafide intention the petitioner has been implicated in the present false and fabricated case.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Sitamarhi in connection with Sursand P.S. Case No. 304/2021, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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