

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64525 of 2021

Arising Out of PS. Case No.-290 Year-2021 Thana- NAGAR District- Vaishali

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Damodar Sah Son of Late Anant Sah Resident of Village - Narayani Nagar,
P.S.- Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 290 of 2021 registered for the offence under
Sections 20(b)(ii)(B) and 22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.04.2020.

The allegation against the petitioner is to have in
possession of 1.540 kg of Ganja.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of Ganja cannot be said
from the conscious physical possession of the petitioner as same



has been recovered from the bag of the petitioner. It has further been submitted that the petitioner is a man of clean antecedent and recovery of alleged contraband i.e., Ganja is just above the small quantity i.e. about 1.540 kg. While concluding the argument, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as the quantity of recovery contraband i.e., Ganja is about 1.540 kg coupled with the fact that recovery cannot be said from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Town P.S. Case No. 290 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge, NDPS Act, Vaishali at Hajipur, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Raushan Kumar Sah, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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