

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57538 of 2022

Arising Out of PS. Case No.-393 Year-2021 Thana- SIMRI District- Buxar

Suresh Ram Son of Late Sirpat Ram Resident of Village- Balihar, P.S.-
Simari, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-12-2022 This matter is heard through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 12 of 2022, arising out of Simri P.S. Case
No. 393 of 2021 for the offence punishable under Sections 8,
20(b)(B) of N.D.P.S.

The prosecution case, in brief, is that 10.710 kg of
ganja was found in two packets which were recovered from the
house of the petitioner upon raid. Accordingly the seizure list
was prepared in front of two independent witness and the
petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that the contraband was found abandoned in his house



and even from the seizure list it appears that there is no independent witness to the seizure conducted on 06.11.2021 which vitiates the entire allegation against the petitioner. He further submitted that the quantity of *ganja* recovered is less than the commercial quantity it is just 710 gms more than the commercial quantity. He further submitted that petitioner has clean antecedent and he is in custody since 06.11.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that narcotics has become a bane to the society and young children are suffering and it would not be in the interest of society to enlarge the petitioner on bail.

Considering the nature of the allegation made against the petitioner as well as the quantity of narcotics recovered from the house of the petitioner without going into the merits of the case the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One lakh) with two sureties of the like amount each to the satisfaction of the learned District Judge-cum-Special Judge, Buxar in connection with N.D.P.S Case No. 12 of 2022 arising out of Simri P.S. Case No. 393 of 2021 subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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