

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59440 of 2022**

Arising Out of PS. Case No.-372 Year-2022 Thana- DUMRAO District- Buxar

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Guddu Rai @ Jaishankar Rai S/O Suresh Rai @ Ramesh Rai R/O Village-
Bharauli, P.S- Narahi, Distt- Ballia Uttar Pradesh

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-12-2022 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dumraon (Naya Bhojpur) P.S. Case No. 372 of 2022 registered for the offences punishable under Sections 20, 22 of the N.D.P.S. Act. He is in custody since 25.08.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 24.08.2022, the informant namely Subodh Kumar was on his official duty when he received a secret information that two youths carrying ganja in two bags are coming by bus at Naya Bhojpur Bus Stand to deliver the same to Sunny Studio, Dumraon. When the informant reached the place of occurrence, two youths namely Pintu Kumar and



Guddu Kumar were caught. From Pintu Kumar, 6 packets each of 1.25 kg ganja and from Guddu Rai, total 7.5 kg of ganja was recovered along with two mobile phones.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 25.08.2022.

Learned counsel submits that the quantity recovered from the possession of the petitioner is much less than the commercial quantity and the bar of Section 37 of the NDPS Act would not be attracted.

Mr. Uday Chand Prasad, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the quantity of the ganja allegedly recovered from possession of the petitioner is said to be 7.5 kg which is less than the commercial quantity and the bar of Section 37 of the NDPS Act is not attracted, the petitioner has otherwise has no criminal history and he has remained in custody in connection with this case since 25.08.2022, investigation against him is



complete and at this stage, there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial or that his presence may not be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned District Judge -cum- Special Court, NDPS Act, Buxar in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 372 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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