

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2381 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- KOCHAS District- Rohtas

Tapu Singh @ Tappu Singh Son Of Late Ram Bachan Singh R/O Village-
Sorathi, P.S.- Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate. Mr. Raghunandan Kumar Singh, Advocate. Ms. Riya Singh, Advocate.
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. N.K. Agrawal, learned senior counsel duly
assisted by Mr. Raghunandan Kumar Singh, for the petitioner
and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kochas P.S. Case No. 304 of 2022, registered
for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29
of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Allegedly, in course of night patrolling, the police
intercepted two persons who were coming on the motorcycle
and in course of search 5 kg Ganja was recovered from the
motorcycle.

Learned senior counsel appearing on behalf of the
petitioner submits that the alleged recovery has been made from



a bag, which was said to be hanging on the motorcycle, however, there is no compliance of Section 50 of the NDPS. Act and moreover the charge-sheet has been submitted without obtaining the FSL report. He lastly submits that the alleged Ganja like substance is much below the commercial quantity and as such the rigours of Section 37 NDPS Act would not be applicable in this case, apart from the petitioner having fair antecedent, is in custody since 24.09.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the alleged recovery of Ganja has been made from the conscious possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the quantity of Ganja, coupled with other irregularities and the period of custody and the fact that the charge-sheet has already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Rohtas at Sasaram in connection with Kochas P.S. Case No. 304 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further



conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

