

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4301 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- MUNGER MUFFASIL District- Munger

Ravish Kumar Son of Ram Vilash Singh R/V- Saidpur P.S- mansi, Distt-
Khagariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10815 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- MUNGER MUFFASIL District- Munger

Praveen Kumar Son of Harishchandra Kumar Singh Resident of village -
Kajari Bujurg, P.S.- Jandaha, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4301 of 2023)

For the Petitioner/s : MS. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 10815 of 2023)

For the Petitioner/s : MS. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who are in custody since



27.09.2022 in connection with Muffassil P.S. Case No. 351 of 2022, F.I.R. dated 26.09.2022 for the offences punishable under Sections 8/20(b)(ii)(c)/25/29 of the N.D.P.S. Act.

Recovery is of 7.5 kg of Ganja.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether 7.5 kg Ganja has been recovered from 3 persons including the petitioners. He further submits that 3 kg Ganja has been recovered from the petitioner, namely, Ravish Kumar and 1.5 kg Ganja has been recovered from the petitioner, namely, Praveen Kumar. He further submits that there is non-compliance of the mandatory provision of Section 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioners. He further submits that the prosecution has filed the charge sheet against the petitioners without the F.S.L report dated 21.01.2022. The petitioners are in custody since 27.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and



submits that the F.S.L. report confirms that the recovered contraband is ganja.

Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Munger in connection with Muffassil P.S. Case No. 351 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the



petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

Vanisha/-

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

