

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8466 of 2023

Arising Out of PS. Case No.-152 Year-2019 Thana- CHANDAN District- Banka

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AMIT KUMAR SAH S/o Ashok Kumar Sah R/o village- Amba Kala
(Pujhardih), PS- Chandramandih, Distt- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shruti Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special Case No. 12 of 2019 arising out of Chandan P.S. Case
No. 152 of 2019 dated 19.08.2019 registered for the offence
under Sections 20(b)(ii)(c) and 22 of the N.D.P.S. Act.of the
Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act.

Recovery is of 450 gram Ganja from the Indica car.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. itself that total 450 gram of Ganja is
alleged to have been recovered from the Indica car driven by the



co-accused, Pintu Kumar. He further submits that the petitioner has not been named in the F.I.R. and he has no concern with the alleged seized ganja and the vehicle. He further submits that rigors of Section 37 of the NDPS act does not apply in this case as the alleged recovery does not fall within the purview of commercial quantity, hence, there is no bar for this Court to grant the privilege of bail to the petitioner. The petitioner is rotting in judicial custody since 23.11.2022.

Learned A.P.P. for the State on the basis of material available on record and case diary opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is Ganja.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Banka in connection with Special Case No.12 of 2019 arising out of Chandan P.S. Case No. 152 of 2019 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 step 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.

(Rajesh Kumar Verma, J)

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