

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8527 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

Imroz @ Imroj @ Md. Imroj Son of Md. Gulam @ Md. Gulam Pravej
Resident of Mohalla - Fetehpur Urdu Bazar, P.S.- Industrial Area, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-05-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Industrial Area P.S. Case No. 163 of 2022 lodged under Sections
20(b)(ii)(c) and 22 of the NDPS Act.

As per the prosecution case, the recovery of 1 kg
ganja has been made from the possession of the petitioner.

Learned counsel for the petitioner submits that the
antecedent of the petitioner is clean and he is the victim of
conspiracy. Counsel submits that petitioner is in custody since
21.08.2022. Counsel further submits that 1 kg *ganja* has alleged

to be recovered from the possession of the petitioner. He further submits that under the provisions of NDPS Act, 1 kg *ganja* comes within the purview of the small quantity and the commercial limit is 20 kg. Counsel further submits that for the small quantity, the punishment is much lesser than that of the commercial quantity.

Counsel submits that the limit of commercial quantity is 20 kg. He also submits that there is a gross violation of seizure and violation of Section 50 of the NDPS Act.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 1, Bhagalpur in connection with Industrial Area P.S. Case No. 163 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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