

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72465 of 2022**

Arising Out of PS. Case No.-102 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

=====

SUSHIL KUMAR SAH Son of Shivji Sah Resident of Village- Amaithi, P.S.-
Sajauli, District- Rohtas, (Bihar State)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 10558 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

=====

MANTOSH SAH @ MANTOSH KUMAR Son of Late Fulendra Sah
Resident of Village - Karahasi, P.S. - Natwar, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72465 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 10558 of 2023)

For the Petitioner/s : Mr. Om Prakash Srivastav, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 04-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since
27.05.2022, in connection with Nawada (Excise) P.S. Case No. 102
of 2022, F.I.R. dated 27.05.2022 registered for the offences
punishable under Sections 8, 20(ii)(b) of the Narcotic Drugs and



Psychotropic Substances Act.

The case relates to recovery is of 13 Kg. of *Ganja*.

Learned counsel for the petitioners submits that the petitioner namely Sushil Kumar Sah carries one more criminal case whereas petitioner namely Mantosh Sah @ Mantosh Kumar has clean antecedent and they have been falsely implicated in the present case merely on the basis of suspicion. He further submits that from perusal of the F.I.R. it appears that nothing has been recovered from the conscious possession of the petitioner rather the same has been recovered from the bus in question and there is non compliance of Sections 42 and 50 of the N.D.P.S. Act. He further submits that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 27.05.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is *Ganja* but fairly submits that the recovered *Ganja* is less than the commercial quantity.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada (Excise) P.S. Case No. 102 of 2022, with 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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)

Ibrar//-

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

