

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9805 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- NALANDA District- Nalanda

Raman Lohiya Son Of Rishi Pal R/O Village- Nathupur, P.S.- DLF Phase-3,
District- Gurgaon, Pin-122002 (HR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 03.11.2022, in connection with Nalanda P.S. Case No. 237 of 2022, F.I.R. dated 03.11.2022 registered for the offences punishable under Sections 20(b)(ii)(C), 22(c) of Narcotic Drugs and Psychotropic Substances Ac, 1985.

The case related to recovery of 6.680 Kgs. of *ganja*.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the possession of the petitioner rather recovery has been made from the house of



co-accused Sumit Singh and the petitioner was apprehended along with Sumit Singh. He further submits that altogether 6.680 Kgs. of *ganja* was recovered from the bag of the petitioner. He further submits that there is non compliance of Section 50 of the N.D.P.S. Act and 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 without FSL report has filed the chargesheet against the petitioner and the FSL report has come on 17.05.2023. The petitioner is in custody since 03.11.2022.

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 petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Nalanda at Biharsharif, in connection with Nalanda P.S. Case No. 237 of 2022, with the following conditions :-



(1) One of the bailors should be the father of the petitioner namely Rishi Pal.

(2) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(4) 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 antecedents, 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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