

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16047 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- KURSAILA District- Katihar

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Shekar Kumar Singh @ Shekhar Kumar Singh S/O Yogendra Singh @
Yogendra Prasad Singh Resident of Village- Nawabganj School Tola Milk,
P.S.- Kursela, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-08-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since
25.10.2022, in connection with Kursela P.S. Case No. 209 of 2022,
F.I.R. dated 25.10.2022 registered for the offences punishable
under Sections 20/22 of Narcotic Drugs and Psychotropic
Substances Act.

3. The case relates to recovery of 42.400 Kg. of
Ganja.

4. Learned Senior 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 altogether



42.400 Kg. of Ganja has been recovered from the possession of the petitioner and other co-accused persons. Learned Senior counsel for the petitioner further submits that it appears from the seizure list that only 11.200 Kg. of Ganja has been recovered from the motorcycle in question which belonged to the petitioner 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. He further submits that co-accused person namely Priyashekh @ Paplu Singh has been granted bail by a Coordinate Bench of this Court vide order dated 19.07.2023 passed in Cr. Misc. No. 22787 of 2023. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.10.2022.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the F.I.R. as well as seizure list that altogether 42.400 Kg. of Ganja was recovered from the car and motorcycle in which the accused persons including the petitioner were sitting and FSL report confirms that the recovered contraband is *Ganja* but fairly submits that co-accused person has been granted bail by a Coordinate Bench of



this Court.

6. Considering the aforesaid facts and circumstances of the case and the petitioner has clean antecedents, 11.200 Kg. of Ganja has been recovered from the motorcycle of the petitioner and co-accused person has been granted bail by a Coordinate Bench of this Court, 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 Special Judge, N.D.P.S. Act, Katihar, in connection with Kursela P.S. Case No. 209 of 2022, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) 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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