

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22982 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- DESARI District- Vaishali

SHANKAR CHAUDHARY S/o Yogendra Chaudhary R/o Village-Desari,
P.S.-Desari, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Desari
P.S. Case No. 45 of 2023 registered for the offences punishable
under Sections 8, 20 (b) (ii) (a) and 25 of N.D.P.S. Act.

As per prosecution case, there is alleged recovery
of 400 gm ganja beneath the gumti of the petitioner and
petitioner apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 08.02.2023 and bears no criminal
antecedent. He further submits that petitioner is quiet innocent
and committed no offence as alleged in the FIR. There is no
independent witness of seizure list. Seizure list has not been
made as per law and while conducting search there is complete



violation of Section 50, 55 and 57 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that while making search none of the mandatory provisions of the N.D.P.S. Act has been followed by the police. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that alleged recovery of ganja is 400 gm which is less than small quantity as 1000 gm ganja comes under the purview of small quantity, as per N.D.P.S. notification.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 45 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

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

