

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26337 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- JANTA BAZAR District- Saran

Manoj Puri Son Of Kanhaiya Puri R/O Village- Karahi, Ward No.04, P.S.-
Baniyapur, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate.
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard Mr. Ramakant Sharma, learned senior counsel
appearing for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
21.12.2022 in connection with NDPS P.S. Case No. 06 of 2023,
arising out of Janta Bazar P.S. Case No. 234 of 2022, F.I.R. dated
20.12.2022 registered for the offence punishable under Sections
8/20(b)(ii)(c)/29 of NDPS Act.

3. Recovery is of 4 Kg 44 Gm of Ganja.

4. Learned senior counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from bare perusal of the FIR as well as the seizure list that
altogether 4 Kg and 44 Gm of Ganja has been recovered from



possession of the petitioner. Learned counsel for the petitioner submits that the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail and in fact without FSL Report the prosecution has filed the chargesheet against the petitioner on 27.02.2023 and the FSL Report has come on 27.06.2023 and the petitioner is in custody since 21.12.2022.

5. Learned APP for the State, on the other hand, has 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 FSL Report has come after filing of the chargesheet.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Saran at Chapra in connection with NDPS P.S. Case No. 06 of 2023, arising out of Janta Bazar P.S. Case No.234 of 2022, with the following conditions:-

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

(II) 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.

(III) 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 antecedent, 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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