

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29766 of 2023

Arising Out of PS. Case No.-19 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Munna Prasad @ Munna Sah Son Of Jagarnath Prasad @ Jagarnath Sah
Resident Of Village- Singhashani, Ps- Ramgarhwa, Distt- East Champaran

... .. Petitioner/s

Versus

1. Union Of India Through Custom Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For Custom	:	Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 08-12-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner, Mr. Anshuman Singh, learned counsel appearing
on behalf of Custom as well as Mr. Navin Kumar Pandey,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.01.2023 in connection with Custom (N.D.P.S.) Case No. 19
of 2013-2014, complaint petition dated 11.02.2014 for the
offences punishable under Sections 8, 20, 23 and 25 of the
N.D.P.S. Act, 1985.

3. Recovery is of 20 kg of Ganja including the weight
of the bag.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. He further submits that it appears from the complaint petition that 20 kg Ganja including the weight of the bag has been recovered from the vehicle in question. He further submits that as per the case of the prosecution it is alleged that the petitioner is the owner of the motorcycle in question. He further submits that it appears from the paragraph 5 of the complaint petition that the prosecution was not sure about the owner of the vehicle in question. He further submits that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. The petitioner is in custody since 27.01.2023.

5. The learned counsel appearing on behalf of the Custom as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner is the owner of the vehicle in question and he had evaded the notices of the custom department and also furnished an affidavit



to suggest that he has purchased the motorcycle in question from one Dhananjay Kumar.

6. Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity and the period of custody, 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 the learned Additional Sessions Judge-III-cum-Special Judge, NDPS Act, Muzaffarpur in connection with Custom (N.D.P.S.) Case No. 19 of 2013-2014, subject to 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 absence on two consecutive dates without sufficient reason, his 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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