

Arising Out of PS. Case No.-731 Year-2022 Thana- JAKKANPUR District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 28.12.2022 seeks bail, in connection with Special Case No.49/2023, arising out of Jakkanpur P.S. Case No.731/2022, dated 27.12.2022, for the offences punishable under Sections 8/20(b)(ii)(B) of the N.D.P.S. Act.

3. According to prosecution case, altogether 12.300 kg of ganja has been recovered from the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that 12.300 kg of ganja has been recovered from the motorcycle in question and the petitioner was apprehended along with the motorcycle and ganja in question and one person apprehended from the place of occurrence, who disclosed the name



as Dhantosh Kumar (petitioner). He further submits that there is non-compliance of Section 50 of the N.D.P.S. Act and the petitioner is neither the owner of the motorcycle in question nor he was hiding the motorcycle in question. He further submits that the recovered contraband is less than the commercial quantity, so, there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is ganja and apart from that the petitioner has also carried one criminal antecedent other than the present one in which he is on bail.

6. Considering the aforesaid facts and circumstances, 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 District and Sessions Judge-XVIII, Patna in connection with Special Case No.49/2023, arising out of Jakkanpur P.S. Case No.731/2022, subject to 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 witnesses, 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 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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