

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29018 of 2023**

Arising Out of PS. Case No.-5 Year-2023 Thana- SIMRI District- Buxar

SANNY DEOL @ SANNY KUMAR S/O MALLU KAMKAR @ MALLU
PRASAD R/O Village- Balihar, P.S- Simari, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 18-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
08.01.2023 in connection with Pre Trial N.D.P.S. Case No.
BRBU10P0000692023 arising out of Simri P.S. Case No. 05 of
2023, F.I.R. dated 07.01.2023 registered for the offence
punishable under Sections 8/20(b)(ii)B/22 of N.D.P.S.Act.

3. Recovery is of 11.750 Kilogram of Ganja.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely
been implicated in the present case. He further submits that as
per allegation in the FIR that 11.750 Kg of Ganja like
contraband has been recovered from the house of the petitioner.
Learned counsel for the petitioner submits that there is non-



compliance of Sections 42 and 50 of the N.D.P.S.Act and without F.S.L. report the police has submitted chargesheet against the petitioner and 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 and the petitioner is in custody since 08.01.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the house of the petitioner and F.S.L. report confirms that the recovered contraband is Ganja but fairly submits that the recovered contraband is less than the commercial quantity.

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 District Judge-cum-Special Judge, N.D.P.S.Act, Buxar in connection with Pre Trial N.D.P.S. Case No. BRBU10P0000692023 arising out of Simri P.S. Case No. 05 of 2023 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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