

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30174 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- SHEOHAR District- Sheohar

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AMOD KUMAR @ AAMOD KUMAR SON OF VIDYA SINGH
RESIDENT OF VILLAGE- MATHURAPUR, WARD NO.- 10 P.S.-
SHEOHAR DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Sheohar P.S. Case No. 58 of 2023 registered for the offences
punishable under Sections 8, 20 (b), (ii), (A) of N.D.P.S. Act,
1985.

As per prosecution case, there is alleged recovery
of 214 gram Ganja alongwith knife from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged against him in F.I.R. and he has falsely been implicated
in the present case. He further submits that there is no



compliance of Section 100 of Cr.P.C.. He further submits that as per N.D.P.S. notification, the small quantity of Ganja is 1000 gram and the said recovery of Ganja is 214 gram which comes within the purview of small quantity. Moreover, petitioner is in custody since 24.03.2023 and bears criminal antecedent of four cases which is not similar to the present case and out of four cases the petitioner is on bail in three cases. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Spl. Judge (N.D.P.S.), Sheohar in connection with Sheohar P.S. Case No.



58 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)

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