

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29992 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KHARHAGPUR District- Munger

Ranjan Bind, Son of Punit Bind, Resident of Village Samda, P.S. - Haveli
Kharagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 25-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Kharagpur P.S. Case No.55 of 2022/NDPS Special Case No.04
of 2022 registered for the offence punishable under Section 387
of the Indian Penal Code and under Sections 8/20(b)(ii)(B) of
the Narcotic Drugs and Psychotropic Substance Act.

It is alleged that the petitioner has been apprehended.
He disclosed that there is *Ganja* in a bag, which was hanging on
the bike. Such disclosure has led to alleged recovery of 1050
Grams of *Ganja*.

Petitioner's counsel submits that on account of his
several antecedents (20), the petitioner has been made accused
in the instant case. Even as per the FIR, *Ganja* has not been



recovered from his possession. Prior to the instant case, the petitioner has no antecedents under the NDPS Act. The petitioner has, in fact, been framed, with the object of taking him in custody. The alleged recovery is 50 Grams more than small quantity and much below the commercial quantity, as per the Act.

The submission is that the seizure memo does not specify whether the alleged *Ganja* has been weighed along with the packaging or without packaging. It is also submitted that there is no compliance with Section 50 of the Act. In the instant case, the petitioner is in custody since 07.02.2022. In some of the cases specified in paragraph 3, he has already been acquitted.

Learned APP for the State has opposed the prayer for bail. It has been submitted that the petitioner has been found with 1050 Grams of *Ganja* and has antecedents.

Considering the rival submissions, the quantum of recovery, period of custody and the fact that the investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Sessions Judge, Munger, in connection with Kharagpur P.S. Case No.55 of 2022/NDPS Special Case No.04 of 2022, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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