

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46595 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- RAXAUL District- East Champaran

Vijay Kumar Son Of Kishori Sah Resident Of Village- Jaisinghpur, Chiutahi,
P.S- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
13.02.2023, in connection with Raxaul (Haraiya) P.S. Case No. 71
of 2023, F.I.R. dated 12.02.2023 registered for the offences
punishable under Sections 8/20(ii)(B) of Narcotic Drugs and
Psychotropic Substances Act.

3. Recovery is of 02 Kg. and 200 grams of *Ganja*.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that altogether
02 Kg. and 200 grams *Ganja* was recovered from the possession



of the petitioner. He further submits that there is non compliance of Sections 42 and 50 50 of the N.D.P.S. Act the recovered contraband is less than the commercial quantity and hence 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 chargesheet against the petitioner and the petitioner is in custody since 13.02.2022.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is less than the commercial quantity.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 20th Additional Sessions Judge, Motihari, East Champaran in connection with Raxaul (Haraiya) P.S. Case No. 71 of 2023, with 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 witness, 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 antecedents, 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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