

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42891 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- GHORASAHAN District- East
Champaran

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AWADHESH KUMAR Son of Late Ashok Prasad Resident of village -
Pithwa, P.s. - Jharokhar, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in connection with
Ghorasahan (Jharokhar) P.S. Case No. 61 of 2023 registered for
the offences punishable under Sections 8, 20(b)(ii)A of NDPS
Act.
3. As per prosecution case, there is alleged
recovery of 500 gram Ganja and 4000 Nepali currency from the
possession of the petitioner.
4. Learned counsel for the petitioner submits that
petitioner is in custody since 11.02.2023. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in
the case and there is no likelihood of tampering with the



prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. Seizure list has not been made as per law. There is violation of provisions of Sub-Sections (4) and (7) of Section 100 of the Cr.P.C. Learned counsel further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985 commercial quantity of Ganja is 20 KG and the small quantity of Ganja is 1000 gram and the recovery in the present case is of 500 gram Ganja which comes under the small quantity. Recovery of Nepali currency of Rs. 4,000/- belongs to the petitioner, which is common article.

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

6. Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties 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/Special Judge, East Champaran at Motihari in connection with Ghorasahan (Jharokhar) P.S. Case No. 61 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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