

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45918 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- NARHATT District- Nawada

MITHILESH PANDEY Son of Dwarika Pandey Resident of Village -
Rasalpura, P.s.- Sitamarhi, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special Case No. 44 of 2021 arising out of Narhat (Sitamarhi)
P.S. Case No. 405 of 2021 registered for the offences punishable
under Section 8, 20 and 22 of N.D.P.S. Act.

As per prosecution case, it is alleged that Ganja
plants were recovered from the roof and courtyard of the
petitioner's house which is weighing 3 kg 650 grams.

Learned counsel for the petitioner submits that as
per the N.D.P.S. notification, the small quantity of Ganja is 1000
gram and the commercial quantity of Ganja is 20 Kg and the



said recovery of Ganja comes under intermediary quantity which is less than commercial quantity. There is no compliance of Section 50 of N.D.P.S. Act as well as Section 100 of Cr.P.C.. He further submits that seizure list has not been made as per the law. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case. Learned counsel for the petitioner submits that petitioner is in custody since 30.06.2022 and bears no criminal antecedent. 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 vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of District and



Sessions Judge, Nawada in connection with Special Case No. 44 of 2021 arising out of Narhat (Sitamarhi) P.S. Case No. 405 of 2021, 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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