

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49308 of 2023**

Arising Out of PS. Case No.-314 Year-2019 Thana- BIDUPUR District- Vaishali

Shyam Babu Rai Son Of Ramji Ray R/o Vill Nawanagar P.S Bidupur Dist
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.II, Advocate Mr. Pranav Kumar, Advocate
For the Opposite Party/s :		Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 25-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 14.11.2022, in connection with Bidupur P.S. Case No. 314 of 2019, F.I.R. dated 06.08.2019 registered for the offences punishable under Sections 8, 20(b), (ii), (c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act.

3. Recovery is of *14 Kg. 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 from perusal of the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the vehicle in question and



altogether 14 Kg. of Ganja has been recovered from the vehicle in question. He further submits that there is non compliance of Sections 42 and 50 of the N.D.P.S. Act and the recovered contraband is more than the small quantity but 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 14.11.2022.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that altogether 14 Kg. of Ganja was recovered from the vehicle in question and it has come during investigation that the owner of the vehicle in question is the petitioner and the FSL report confirms that the recovered contraband is *Ganja*.

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 Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 314 of 2019, 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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