

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49753 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- RAJGIR District- Nalanda

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DWARIKA YADAV SON OF LATE KISHUN MAHTO R/O VILLAGE-
DARIYAPUR, P.S.- WARSLIGANJ, DISTRICT- NAWADA

... .. Petitioner/s

Versus

1. THE UNION OF INDIA
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 20/22 of NDPS Act.

According to prosecution case, 2 kg of ganja is said to
have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per
F.I.R. the allegation against the petitioner is that he and another
co-accused were carrying the ganja, which was recovered from
the possession of the petitioner. He further submits that 2 kg of
ganja recovered from the possession of the petitioner. He further



submits that the recovered contraband is less than the commercial quantity, so, there is no embargo of Section 37 of the N.D.P.S. Act and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.03.2022.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report also confirms that the recovered contraband is ganja.

Result of Examination:-

“The greenish brown colour dried and pressed vegetative substance along with seeds kept in a polythene packet marked S1 as described above was found to be GANJA. Ganja is the flowering or fruiting tops of Cannabis plant whose chief psychoactive ingredient is Tetrahydrocannabinol (T.H.C.).”

Considering the aforesaid facts that the recovered contraband is less than the commercial quantity and the petitioner is in custody since 17.03.2022, 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 Court below where the



case is pending in connection with Rajgir P.S. Case No. 129/2022, subject to 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 witnesses, 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 antecedent, 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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