

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52037 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- PANAPUR District- Saran

Bhola Nat Son Of Santlal Nat Resident Of Village -SISAI, Ps- Mashrakh ,
Dist- Saran

... .. Petitioner/s

Versus

1. The Union Of India Through The Secretary, Ministry Of Home Narcotic
Drugs Control Bureau, New Delhi New Delhi
2. The State Of Bihar Through The Dept. Of Narcotic Drugs Control Bureau,
Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Roy, Advocate

For the Opposite Party/s : Mr. Dr. K.N. Singh (ASG)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.06.2023 in connection with Panapur P.S. Case No. 139 of
2023, F.I.R. dated 22.06.2023 for the offences punishable under
Sections 8, 20(b)(ii)(b) of the N.D.P.S. Act.

3. According to prosecution case, the police in course
of the vehicle checking intercepted and recovered 2.240 Kg.



‘ganja’ from the possession of the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR as well as seizure list that 2.240 Kg. of the ‘*Ganja*’ like substance has been recovered from the petitioner and there is non-compliance of Sections 42 & 50 of the N.D.P.S. Act, and the recovered contraband is less than a commercial quantity. Further submits that co-accused person, namely, Sanjay Singh Bhutkun Singh, from whose possession 2.140 Kg. ‘*Ganja*’ has been granted bail by a co-ordinate Bench of this Court vide order dated 24.08.2023 passed in Cr. Misc. No. 54008 of 2023 and another co-accused person, namely, Ajay Nat, from whose possession 2.216 Kg. ‘*Ganja*’ has also been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 51550 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner stating that FSL report confirms that the recovered contraband is Ganja,



and apart from the aforesaid the petitioner has carries six criminal antecedent other than the present one, but fairly submits that out of six cases petitioner is on bail in five cases.

6. Considering the aforesaid facts and circumstances, 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 Special Judge, NDPS, Saran at Chapra in connection with Panapur P.S. Case No. 139 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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