

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53405 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- TEGHRHA District- Begusarai

Rohit Kumar Son of Ram Charitra Singh @ Palara Singh R/V- Madhurapur
Southern tola, Ward No. 24, P.S- Teghra, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-06-2023 Heard learned counsel for the petitioner learned APP
for the State.

Petitioner seeks bail who is in custody since 21.05.2022 in connection with N.D.P.S. Case No. 18 of 2021 arising out of Teghra P.S. Case No. 215 of 2021 for the offences punishable under Sections 8, 21, 22, 25 of the N.D.P.S. Act.

The case relates to recovery of 05 Kg. of Ganja, 62 bottles of Wiscof cough syrup each containing 100 ml. And 300 tablets of Nitzacare-10 (Nitrazepam Tablests I.P.).

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that altogether 05 Kg. of Ganja, 62 bottles of Wiscof cough syrup each containing 100 ml. And



300 tablets of Nitzacare-10 were recovered from the house of the petitioner and no one was present at the house of the petitioner. Learned counsel for the petitioner further submits that in fact nothing has been recovered from the house of the petitioner rather the police has planted the same and shown that the recovery has been made from the house of the petitioner. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the recovered contraband is less than the commercial quantity and hence there is no embargo of 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 21.05.2022.

Learned APP for the State, on the other hand, on the basis of material available on record and case diary vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is Ganja but fairly submits that the recovered Ganja is less than the commercial quantity.

Considering the aforesaid facts that the recovered contraband is less than the commercial quantity, 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 Additional Sessions Judge-1, Begusarai, in connection with N.D.P.S. Case No. 18 of 2021 arising out of Teghra P.S. Case No. 215 of 2021, 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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