

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52455 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Rakesh Kumar @ Mandole Son Of Shatrudhan Mahto R/O Village- Fafaut,
P.S.- Khodawandpur, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2023 Learned counsel for the petitioner is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner seeks bail in a case registered for the offence under Sections 20 and 22 of N.D.P.S. Act.

The case relates to recovery of 1 Kg 500 Gm of Ganja from the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that in fact the petitioner has got one criminal antecedent with respect to Khodawandpur P.S. Case No. 113 of 2010 under Sections 8(c) and 20(B) of the NDPS



Act but the petitioner was acquitted in the said case. Further submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR as well as seizure list that 1 Kg 500 Gm of Ganja has been recovered from possession of the petitioner. Further submits that there is non-compliance of Section 100 of Cr. P.C. and the recovered Ganja is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.06.2020.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. Report confirms that the recovered contraband is Ganja.

In view of the aforesaid, the recovered Ganja is less than the commercial quantity and the petitioner is in custody since 14.06.2020, 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 learned court below where the case is pending in connection with N.D.P.S. Case No. 23 of 2022 arising out of



Khodawandpur P.S.Case No.175 of 2022 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/her absence on two consecutive dates without sufficient reason, his/her 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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