

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57866 of 2022

Arising Out of PS. Case No.-187 Year-2022 Thana- KARJA District- Muzaffarpur

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DILIP KUMAR Son of Jagranath Paswan Resident of Village - Goriyara, P.s.-
Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 06-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Karja P.S. Case No. 187 of 2022, dated 17.07.2022 registered for the offences punishable under Sections 8 and 20(b)(ii)(c) of the NDPS Act.

As per the prosecution, police personnel on secret information raided the alleged house, apprehended this petitioner and a co-accused and recovered in total 2 Kg 280



gram of contraband suspected to be *Ganja* from the alleged house and the said house belong to this petitioner.

The main submissions advanced by petitioner's counsel are that as per the FIR 2.280 kg narcotic material suspected to be *Ganja* was recovered from the house of this petitioner which is lesser than the commercial quantity and the same has not been recovered from the conscious possession of this petitioner and during the course of search and seizure, mandatory provisions of section 50 of the NDPS Act has not been followed and there is no independent witness of the search and seizure rather they are the official persons. Further submission is that the petitioner has been languishing in jail since 18.07.2022 and he has fair and clean antecedent.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the above submissions and mainly the petitioner's custody period and the seizure list of the alleged seized contraband goes to show that the main witnesses of the seizure are police personnel, in my opinion a lenient approach can be taken in respect of the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged 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
concerned Court in connection with Karja P.S. Case No. 187 of
2022.

(Shailendra Singh, J)

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