

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60270 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

PREM SAGAR RAM S/O CHHOTELAL RAM R/O VILLAGE-
AKHOURIPUR GOLA, WARD NO.-5, MOHANPURWA, P.S- BUXAR,
DISTT.- BUXAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Buxar (Muffasil) P.S. Case No.332 of 2023 registered for the
offence under Sections 20(b)(ii)(A), 22(a), 25 and 29 of the
NDPS Act and Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 18.07.2023.

4. The allegation against the petitioner is to
have in possession of 683 gms. of contraband i.e. *Ganja* along
with 400 ml of illicit liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of contraband and illicit liquor appears to be made from jointly occupied house, as such, it cannot be said that the alleged recoveries were made from conscious physical possession of the petitioner. It is submitted that quantity of recovered contraband is in smaller quantity, where, maximum punishment is of only one year. It is further pointed out that Section 100 of the Cr.P.C. not appears to be followed in the present case, regarding search of premises, as recovery was made from jointly occupied house. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of contraband and illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 18.07.2023, let the petitioner, above named, is directed to be



released on bail in connection with Buxar (Muffasil) P.S. Case No.332 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Judge-cum-Special Court, NDPS Act, Buxar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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