

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61183 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- GOPALPUR District- Patna

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Dharmendra Kumar @ Langra S/O Birju Prasad Yadav @ Vrij Ray R/o.
Village- Bairiya, Ps- Gopalpur, Distt- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 141 of 2023, F.I.R. dated 04.03.2023
registered for the offence punishable under Section 20(ii)(B) of
the N.D.P.S. Act.

3. Recovery is of 5.8 Kg. of Ganja.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely
been implicated in the present case. He further submits that
from a bare perusal of the FIR as well as seizure list it appears
that altogether 5.8 Kg of Ganja was recovered from possession
of the petitioner. Learned counsel for the petitioner submits that
there is non-compliance of the provisions of Sections 42 and 50



of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 05.03.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and recovery has been made from possession of the petitioner but fairly submits that recovered Ganja is less than the commercial quantity.

6. Considering the aforesaid facts, 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 Gopalpur P.S.Case No.141 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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