

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60283 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- SONBERSA District- Sitamarhi

Sujit Kumar Patel, Son of Bihari Raut, Resident of Village - Sukhchaina,
Ward No.- 08, P.S.- Malangawa, District - Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 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 Mr. Uday Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sonbarsa P.S. Case No. 212 of 2022 registered for the offences punishable under Sections 8/20(b)(ii)(B) of the Narcotic Drug & Psychotropic Substances Act, 1985.

The allegation against the petitioner is of recovery of 2 Kg of Ganja from his motorcycle in course of checking.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the motorcycle nor with the recovered Ganja and in fact his name



has been implicated in this case on mere suspicion. He further submits that the alleged recovered Ganja like substance is much below the commercial quantity and, as such, the rigors provided under Section 37 of the NDPS Act is not applicable in the present case. He further submits that there is complete defiance of Sections 42 and 50 of the NDPS Act apart from the fact that all the witnesses to the seizure are police personnels and, as such, the same is also not in conformity with Section 100 of the Cr.P.C. He next submits that the petitioner is a man of fair antecedent and he is in custody since 10.07.2022, now the charge-sheet has been submitted but without obtaining the FSL report which also vitiates the investigation.

On the other hand, learned counsel APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the quantity of the alleged Ganja like substance and other infirmities in the seizure and investigation coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 212 of



2022, subject to the condition that one of the bailors will be the local residents of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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