

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61679 of 2023**

Arising Out of PS. Case No.-7 Year-2023 Thana- NADI NAINAHA District- West
Champanan

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Sanjiv Patel S/O Shesh Nath Patel @ Shesnath Kurmi R/O Village- Rupahi
Tand, Ps. Bhitaha, Dist. West Champanan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.03.2023 in connection with Bagaha Nadi P.S. Case No. 7 of
2023 , F.I.R. dated 29.03.2023 for the offences punishable under
Sections 8/20(b)(ii)(B) and 29 of the N.D.P.S. Act.

3. According to prosecution case, the informant on
secret information reached at the 'Nainha Police Check Post'
and saw one bus is coming from the side of 'Chautarwa' and
gave signal for stopping the bus, in the meantime one boy with a
red color bag got down from the bus and after seeing the police,



the said boy tried to flee away, but anyhow caught on spot, disclosed his name as Sanjeev Patel. On search seven packets like *Ganja* was found and after measurement total 14.14 Kg. like *Ganja* substance was recovered and one mobile phone was also found from the possession of the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that 14.14 Kg. like *Ganja* substance and one mobile phone have been recovered from the conscious possession of the petitioner. Further submits that there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act and recovered contraband is less than the commercial quantity, so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner stating that 14.14 Kg. *Ganja* like substance recovered from the conscious possession of the petitioner, but fairly submits that the



recovered contraband is less than commercial quantity.

6. Considering the aforesaid facts and circumstances, 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 the learned District & Sessions Judge, West Champaran, Bettiah in connection with Bagaha Nadi P.S. Case No. 7 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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