

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1593 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- BELA District- Sitamarhi

MAHESH SAH Son of Ramashish Sah R/o Village- Sasram, P.S.- Jaleshwar,
District- Mahotri (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 13-03-2023 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 28/20B(ii)(c) of N.D.P.S.Act.

Recovery is of 02 Kg of Ganja.

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 it appears
from the FIR as well as seizure list that 02 Kg of Ganja has been
recovered from possession of the petitioner and the recovered



Ganja is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.11.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the FSL Report confirms that the recovered substance is Ganja.

Considering the aforesaid facts, recovered Ganja is less than the commercial quantity, having clean antecedent and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bela P.S. Case No.210 of 2021 with the following conditions:-

(1) 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.



(2) 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.

(3) 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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