

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63038 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- SIDHWALIYA District- Gopalganj

AJAY CHAUDHARY, Son Of Dilip Chaudhary Resident Of Village-
Harakhua, P.S.- Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Adv

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner seeks bail in connection with Sidhwaliya P.S. Case
No. 14 of 2022 registered under Section 20 of N.D.P.S. Act.

There is alleged recovery of 9.470 gram *Smack* like substance
from the petitioner.

Learned counsel for the petitioner submits that it is case of
false implication. The petitioner has no antecedent. It is submitted
that falsity of the allegation is evident from bare perusal of the
seizure memo, from which it is obvious that sachets have been
weighted and therefore there is no veracity of the alleged quantity
also. Even if it is accepted, the same is slightly above small quantity
(5 grams); but much below the commercial quantity (250 grams).
The petitioner is stated to be in custody since 23.01.2022.
Investigation is complete.



Learned APP has opposed the prayer for bail. It is submitted that contraband has been recovered from the petitioner's possession.

Considering the rival submissions, on perusal of the seizure memo, the clean antecedent, period of custody, since investigation is complete and also the fact that recovered substance is much below commercial quantity and does not attract the bar of Section 37 of the N.D.P.S Act, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1-cum Special Judge N.D.P.S., Gopalganj in Sidhwaliya P.S. Case No. 14 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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