

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1195 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- MURLIGANJ District- Madhepura

SURAJ KUMAR Son of Damodar Yadav R/v- Kolhayapatti, Dumariya, P.S.-
Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 24-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 28.04.2022 in connection with NDPS Case No.19 of 2022 arising out of Murliganj P.S. Case No. 202 of 2022, F.I.R. dated 27.04.2022 registered for the offence punishable under Sections 18,20,22 of N.D.P.S. Act and Sections 25(1-B)a, 26,35 of the Arms Act.

3. Recovery is of altogether 200 Grams Ganja, two country made pistol, and seven live cartridges from the house of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from bare perusal of the



FIR as well as the seizure list that altogether 200 Grams Ganja, two country made pistol, and seven live cartridges have been recovered from the house of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the NDPS Act. Learned counsel for the petitioner submits that the 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 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.04.2022.

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 the FSL report confirms that the recovered contraband is Ganja. Further submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts and period of custody, 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 Additional District and Sessions Judge-cum-Special Judge, NDPS Act, Madhepura in connection with NDPS Case No.19 of 2022 arising out of Murliganj P.S. Case No. 202 of 2022 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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