

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64465 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- MARANCHI District- Patna

RAMJI PASWAN Son of Hiya Paswan Resident of Village- Jaitpur, P.S.-
Barhariya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Dular Sah, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Marachi P.S. Case No. 113 of 2022, Special (NDPS) Case No.
129 of 2022 registered for the offence under Sections 08 and
20(B) of the N.D.P.S. Act.

According the prosecution, altogether 2.540 kgs. of
Ganja was recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that according to the prosecution case,
2.540 Kgs. of Ganja is said to have been recovered from the



possession of the petitioner. He, however, further submits that the alleged quantity of recovery does not come within the purview of commercial quantity, therefore, rigors of Section 37 of the N.D.P.S. does not come in to play in this case. The petitioner is rotting in judicial custody since 27.07.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that F.S.L. report confirms that the recovered article is Ganja, which is less than the commercial quantity.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Judge-IV, Patna in connection with Maranchi (Panchmahla O.P.) P.S. Case No. 113 of 2022 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 canceled



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.

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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