

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67195 of 2022**

Arising Out of PS. Case No.-504 Year-2022 Thana- BUXAR District- Buxar

=====

OM PRAKASH SAO @ OM PRAKASH SAH Son of Late Akalu Sah @
Aklu Sah R/v- Sonpa, Jalilpur, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

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

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 12-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.09.2022 in connection with Buxar Town P.S. Case No. 504 of
2022/Pre Trial N.D.P.S. Case No. BRBU10P0020122022 F.I.R.
dated 06.09.2022 for the offences punishable under Sections 8,
20(b)(II)(B) of the N.D.P.S. Act.

Recovery is of 3.100 Kg. of Ganja from the possession
of the petitioner and house of petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedents and he has falsely been
implicated in the present case. He further submits that bare
perusal of the F.I.R. as well as seizure list that altogether 3.100
kg. Ganja was recovered from the possession of the petitioner



and house of petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and there is non-compliance of Section 50 of N.D.P.S. Act. He further submits that the recovered contraband is less than the commercial quantity but more than the small quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner

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 Judge-cum-Special Court, N.D.P.S. Act, Buxar in connection with Buxar Town P.S. Case No. 504 of 2022/Pre Trial N.D.P.S. Case No. BRBU10P0020122022, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

mdrashid/-

U		T	
---	--	---	--

