

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68331 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

Govind Kumar Son of Lalan Pandey Resident of Village- Malhar, P.S.- Kudra,
District- Kaimur

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
04.01.2022 in connection with N.D.P.S. Case No. 03 of 2022
arising out of Gaya Rail P.S. Case No. 05 of 2022, F.I.R. dated
04.01.2022 for the offences punishable under Sections 8/20(b)/
(ii)(c) of the N.D.P.S. Act.

Recovery is of 14 kg of Ganja.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that 14 kg Ganja has been
recovered from Hatia Islampur Express in which the petitioner
was carrying the said contraband. He further submits that there



is non-compliance of the mandatory provision of Section 50 of the N.D.P.S. Act and it appears that the recovered contraband 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. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is ganja (the dry, pressed, greenish brown flowering and fruiting vegetable like substances contained in the tin dibba as described above was found to be GANJA containing Tetra Hydro Cannabinol (T.H.C) as their chief intoxicating ingredient).

Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity and the petitioner is in custody since 04.01.2022, 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 the learned Additional Sessions Judge- III, Gaya in connection



with N.D.P.S. Case No. 03 of 2022 arising out of Gaya Rail P.S.
Case No. 05 of 2022, 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)

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