

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70223 of 2022**

Arising Out of PS. Case No.-83 Year-2021 Thana- PAROO District- Muzaffarpur

GANESH SAH SON OF MAHENDRA SAH R/O VILLAGE-  
DUBARWANA DEORIYA, P.S.- DEORIYA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Bela Singh, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

3      09-05-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 21.07.2022  
in connection with Paroo P.S. Case No.83/2021, NDPS Case No.  
21/2021, F.I.R. dated 13.03.2021, for the offences punishable  
under Sections 20, 22 of N.D.P.S. Act.

According to prosecution case, 1.5 Kg ganja along with  
other material are said to have been recovered from the hut of the  
petitioner.

Learned counsel for the petitioner submits that the  
petitioner 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 1.5 kg ganja along with other material have been recovered  
from the hut of the petitioner. He further submits that the  
recovered contraband is less than the commercial quantity, so,



there is no embargo under Sections 42 and 50 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that similarly situated co-accused, namely, Jawahar Chaudhary has been granted bail by a co-ordinate Bench of this Court vide order dated 13.12.2021 passed in Cr. Misc. No.37740/2021 and another co-accused, namely, Ajay Kumar Jha has been granted bail vide order dated 07.09.2022 passed in Cr. Misc. No. 47386/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one and the F.S.L. report also confirms that the recovered contraband is ganja.

Considering the aforesaid facts and circumstances, 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 2<sup>nd</sup> Additional Sessions Judge, Muzaffarpur in connection with Paroo P.S. Case No.83/2021, NDPS Case No. 21/2021, 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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