

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1623 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Ramesh Sharma @ Buchani Sharma Son Of Late Ramcharitra Sharma R/O
Village- Indarpur, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate. Mr. Vaishnavi Singh, Advocate. Mr. Ravi Raman, Advocate.
For the Opposite Party/s :		Mr.Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Makhdumpur P.S. Case No. 185 of 2022 (N.D.P.S. Case No. 07 of 2022), registered for the offences punishable under Sections 8, 20(b)(ii), 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case on secret information the house of the petitioner was raided and in course of search 2 kg Ganja was recovered.

Learned counsel appearing on behalf of the petitioner submits that the recovery has been made from a joint family house where several persons reside and the petitioner cannot be



made solely responsible for the same; apart from the fact that the recovered Ganja like substance is much below the commercial quantity, thus rigours of Section 37 NDPS Act would not be applicable in this case. He further submits that now the charge-sheet has been submitted, however, the entire investigation suffers from serious irregularities, inasmuch as, the FSL report has not been received till date. He lastly submits that the petitioner having fair antecedent, is in custody since 16.11.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the recovery of Ganja has been made from the house of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the recovered Ganja like substance is much below the commercial quantity coupled with the fair antecedent of the petitioner and the fact that the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge-cum-Special Judge, NDPS, Act, Jehanabad in connection



with Makhdumpur P.S. Case No. 185 of 2022 (N.D.P.S. Case No. 07 of 2022), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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