

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73773 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- BALTHAR District- West Champaran

AMARJEET KUMAR PANDEY Son of Balister Pandey R/V- Nawka Tola,
Bhangha, P.S- Chanpatia, Distt- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Asstt. Commandant, 7th BN. SSB47, Sikta,
West Champaran Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s	:	Mr.Dinesh Singh, APP
For U.O.I.	:	Mr. Ram Anurag Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-07-2023 Heard learned counsel for the petitioner, learned
counsel for the Union of India and the learned A.P.P. for the
State.

The petitioner seeks bail, who is in custody since
03.10.2022 in connection with Balthar P.S. Case No. 124 of
2022, F.I.R. dated 02.10.2022 registered for the offence
punishable under Section 414 of IPC and Sections 20(B), II B,
23(B), 29 of the NDPS Act.

The case relates to recovery of 06 Kg of Ganja from
possession of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner clean antecedent and he has falsely



been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list it appears that 06 Kg of Ganja was recovered from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Sections 42 and 50 of the NDPS Act and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail. Further submits that without F.S.L. Report dated 27.06.2023, the police has filed the chargesheet against the petitioner but the chargesheet has been filed prior to the F.S.L.Report and the petitioner is in custody since 03.10.2022.

Learned counsel for the Union of India and learned APP for the State has opposed the prayer for bail of the petitioner but fairly submits that the recovered contraband is less than the commercial quantity.

Considering the aforesaid facts, 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 learned I/c Sessions Judge, West Champaran at Bettiah in connection with Balther P.S. Case No. 124 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 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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