

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.485 of 2023**

Arising Out of PS. Case No.-117 Year-2022 Thana- BALTHAR District- West Champaran

Sanjay Patel Son of Hari Patel R/v- Bhawara, P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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

6 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 21.09.2022, in connection with Balthar P.S. Case No. 117 of 2022, F.I.R. dated 20.09.2022 registered for the offences punishable under Sections 20(B), II(B), 23(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. The case related to recovery of 17.595 Kg. of *Ganja*.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has



been recovered from the conscious possession of the petitioner and as per allegation in the F.I.R. the petitioner had thrown the bag and escaped from the place and in bag which was thrown 5.840 Kg. of Ganja was recovered and from the possession of other co-accused persons 5.775 and 5.908 Kgs. of Ganja was recovered. He further submits that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that similarly situated co-accused person namely Vijay Shrivastava @ Vijay Shankar Lal has been granted bail by a Coordinate Bench of this Court vide order dated 13.03.2023 passed in Cr. Misc. No. 69354 of 2022, another co-accused person namely Raj Kishore Patel has been granted bail by a Coordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 8535 of 2023 respectively. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.09.2022.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is Ganja but fairly submits that the FSL report has



come after the filing of the chargesheet, FSL report is dated 15.07.2023 and chargesheet has been filed prior to the FSL report.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran, in connection with Balthar P.S. Case No. 117 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 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 witness, 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 antecedents, 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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