

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.807 of 2023

Arising Out of PS. Case No.-573 Year-2022 Thana- MADANPUR District- Aurangabad

Arun Sikari, Son of Late Ramdeo Sikari R/v- Khiriyawa, P.S.- Madanpur,
District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rakesh Singh, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in connection with Madanpur P.S. Case No. 573 of 2022, registered for the offences punishable under Sections 20(b)(ii) (a) of the Narcotic Drugs and Psychotropic Substances Act.

The police in course of patrolling apprehended the petitioner and in course of search, allegedly 22 grams of *ganja* was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR it is evident that 20 sachets of alleged *ganja*, like substance has been recovered from the trousers of the petitioner which is measured with the wrapper, however, the recovered *ganja* comes within the small quantity and for which the punishment has been prescribed only for a year. He further submits that there are other irregularities in the search and seizure, apart from the fact that the petitioner having fair antecedent is in custody since 17.11.2022.

On the other hand, learned APP for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the alleged recovery of small quantity of contraband, coupled with the fair antecedent, let the petitioner, abovenamed, 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 1st Additional Sessions Judge-cum-Special Judge (NDPS), Aurangabad in connection with Madanpur P.S. Case No. 573 of 2022, subject to the condition that one of the bailors will be the close relative 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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