

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45903 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- GOH District- Aurangabad

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Satyendra Singh @ Satendra Singh Son of Late Nand Singh R/O Vill.-
Dumarthu, P.S.- Goh, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Singh, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Goh P.S. Case No. 75 of 2024 registered for
the offence punishable under Sections 8, 20(B), IIB, 25 and 29
of the NDPS Act.

3. The prosecution case alleges that the police take off
trading of illicit wine, conducted raid and apprehended the
petitioner from whose possession, 410 gm of *ganja* along with
cash of Rs.5090/- were recovered. There is total denial of any
recovery from the possession of the petitioner.

4. Learned Advocate for the petitioner contended that
in fact, on account of past two criminal antecedents in identical
nature, the name of the petitioner has been implicated in this

case, showing a recovery from his possession. Even, as per the prosecution case, the recovered *ganja* like substance is much below the commercial quantity and as such, the rigours provided under Section 37 of the NDPS Act requiring compliance of twin principle is not required. Drawing the attention of this Court to the written report, learned Advocate for the petitioner also contended that there is no compliance of Sections 42 and 50 of the NDPS Act that apart, charge-sheet has been submitted without there being any FSL report. It is lastly contended that be that as it may, the petitioner is a man of 74 years and now he has been incarcerated since 10.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the two criminal antecedents of the petitioner in identical nature, speaks loud that he has been involved in the trade of narcotic substances.

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure coupled with the fact that the alleged recovered *ganja* like substances much below the commercial quantity and as such, the rigours of Section 37 of the NDPS Act is not applicable, coupled with the age of the petitioner and the fact

that the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Goh P.S. Case No. 75 of 2024, 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.

(v) 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 immediate step for cancelling the bail

bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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