

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46418 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- MANPUR District- West Champaran

=====

Ajay Patel, Son Of Baijnath Raut @ Baidhnath Raut @ Baidnath Raut,
Village- Matiyariya And Ps- Shikarpur Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard Mr. Rajesh Ranjan, learned counsel appearing
on behalf of the petitioner and Mr. Jagdhar Prasad, learned APP
for the State.

2. The application for grant of regular bail to the
petitioner, who is in custody in connection with Manpur P.S.
Case No. 19 of 2024 registered for the offences punishable
under Sections 20(b)(ii)(b), 23(b) and 29 of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

3. The prosecution case based on the fardbeyan of the
informant, alleges therein, that on a tip of transportation of illicit
contrabands, the police intercepted the petitioner who was
coming on a motorcycle. On search 2 kg ganja is said to have
been recovered from the dickey of the motorcycle.

4. There is total denial of the allegation made in the
FIR. Learned counsel appearing on behalf of the petitioner



contended that there is no compliance of Section 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in as much as the witnesses are none else but the police personnel. It is also contended that though the alleged recovered ganja like substance is more than a small quantity but much less than commercial quantity and, as such, the rigors provided under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not applicable. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court. The petitioner has been incarcerated since 02.04.2024 and the charge-sheet has been submitted, is the contention of the petitioner.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery has been made from the physical possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the charge-sheet has already been submitted and the alleged recovered contraband is much below the commercial quantity coupled with the fair antecedent, 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 Sessions Judge, Bettiah in connection with Manpur P.S. Case No. 19 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)

supratim/-

U		T	
---	--	---	--

