

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47146 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- MANPUR District- West Champaran

Dinanath Sah @ Dinanath Sah Ram S/o Late Rajadev Sah R/o vill - Jhumka,
P.S. - Inarwa, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned counsel for the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Manpur P.S. Case No. 17 of 2024 registered for the offences punishable under Sections 20(B) II(B), 23(B) and 29 of the Narcotics Drugs and Psychotropic Substances Act.

3. Allegedly, on a tip-off the police apprehended the petitioner who was coming on a motorcycle. On search 2 kg 500 grams 'ganja' like substance was recovered from his motorcycle which is said to have been brought from Nepal side.

4. Learned advocate for the petitioner, referring to the FIR contended that there is a total denial on the part of the petitioner.



Learned counsel for the petitioner contended that in fact on account of some altercation which took place between the petitioner and the police personnel while coming from Nepal to India the name of the petitioner has been implicated in this case. It is further contended that there is no compliance of the mandatory provisions like Sections 42 and 50 of the NDPS Act. It is also contended that the seizure list witnesses are none else but the police personnel. Moreover, the alleged recovered 'ganja' like substance is though excess to the small quantity but less than commercial quantity. It is lastly contended that the petitioner has one criminal antecedent but he is on bail in the said case. Now the petitioner is languishing in jail since 30.03.2024 and charge sheet has been submitted.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the petitioner has been caught red handed with the contraband substance.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovered 'ganja' like substance is much below the commercial quantity, the investigation of the crime is complete and charge sheet has been submitted, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (NDPS), Bettiah, West Champaran in connection with Manpur P.S. Case No. 17 of 2024 subject to the conditions :

i) The petitioner will cooperate in conclusion of the trial.

(ii) The petitioner 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 their 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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