

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50710 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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Sheshnath Pandit S/o Nandu Pandit R/o Village- Bela Chapra, P.S- Bela,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bela P.S. Case No. 21 of 2024 registered for
the offences punishable under Sections 8 and 20(b)(ii)(B) of the
N.D.P.S. Act.

3. The police on information that the petitioner is
indulged in selling illicit intoxicant, conducted raid in the house
of the petitioner and on search 1.100 Kg. ganja like substance
was recovered. It is also alleged that a cash of Rs.3000/- from
the possession of the petitioner was also recovered.

4. Learned counsel for the petitioner contended that so
far the alleged recovery is concerned, the same has been made
from the joint family house of the petitioner and, as such, he



cannot be made solely responsible. It is next contended that there is no compliance of mandatory provision of Section 50 of the NDPS Act. All the more, the FIR suggests that neither sampling of recovered substance was done for chemical examination nor other required provisions of the NDPS Act has been followed. It is also the contention of the petitioner that the charge-sheet has been submitted without FSL report, which also makes the entire case doubtful. Be that as it may, the alleged recovered ganja like substance is though little bit excess than small quantity but much below the commercial quantity and, as such the rigors provided under Section 37 of the NDPS Act would not apply. The petitioner is in custody since 24.03.2024 having fair antecedent.

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

6. Regard being had to the submissions made on behalf of the parties and considering the recovery, which is much below the commercial quantity, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted as also the petitioner bears fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S., Act, Court No.



II, Muzaffarpur in connection with Bela P.S. Case No. 21 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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