

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50840 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Citu Kumar @ Saurya @ Situ @ Sittu Kumar Son of Munna Prasad Resident of Vill- Bathua Bazar, P.S.- Phulwariya, District- Gopalganj.
2. Sahid Ali @ Chhote Ali Son of Anwar Ali Resident of Vill- Bathua Bazar, P.S.- Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners seek grant of regular bail in connection with Fulwariya P.S. Case No. 169 of 2024 registered for the offences punishable under Sections 8A(C), 20(b)(ii)(A), 21 of the Narcotic Drugs and Psychotropic Substances Act.

3. The police on a secret information apprehended the accused persons named in the FIR. On search 13.3 grams and 14.03 grams *ganja* like substance has been recovered from the possession of the respective petitioners.

4. Learned counsel for the petitioners contended that there is no compliance of the mandatory provisions of Sections



42 and 50 of the NDPS Act. It is next contended that apart from the petitioners having fair antecedent, admittedly the alleged recovered *ganja* like substance is a small quantity and for which maximum punishment is provided for a small period. Now the petitioners have been incarcerated since 15.05.2024.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovered *ganja* like substance comes under small quantity, coupled with the fair antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge NDPS, Gopalganj in connection with Fulwariya P.S. Case No. 169 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.



(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. 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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