

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50622 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- SUPPI District- Sitamarhi

Ajit Kumar Giri S/o- Kameshwar Giri @ Kameshwar Parwat Village- Masahi
W.No-14, Ps- Suppi, Dist-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Suppi P.S. Case No. 82 of 2024, registered for the offences punishable under Sections 8/20(b)(ii)(B),23 of the Narcotic Drugs and Psychotropic Substances Act.

3. The allegation against the petitioner is of selling narcotic substance like *ganja*. The police conducted raid and in course of search 1.250 Kgs. *ganjga* was recovered from the almirah which was kept in the shop of the petitioner.

4. Learned Advocate for the petitioner contended that the alleged recovery which is said to have been made from a shop, is a joint family shop situated in the house, where several persons of the family reside. Moreover, the alleged recovered



ganja like substance is though just a little bit excess to small quantity but much below the commercial quantity and thus the rigors provided under Section 37 of the NDPS Act would not be applicable. There are other discrepancies in search and seizure, coupled with the fact that the seizure list witnesses are none-else but the police personnel. There is no compliance of Section 42 of the NDPS Act. Now the petitioner is in custody since 05.05.2024 and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court, coupled with the fact that the petitioner is a man of fair antecedent.

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 recovery of *ganja* like substance is made from a joint family shop and the quantity of the substance is below commercial quantity, coupled with the fair antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge NDPS Act, Sitamarhi in connection with Suppi P.S. Case No. 82 of 2024, subject to the condition that one of the



bailors shall be the own/close family members 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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