

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60113 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- NARHATT District- Nawada

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Dwarika Chauhan @ Dwararika Chauhan Son of Nemchand Chauhan R/V-
Daibigha, P.S.- Narhat, PIN-805122, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 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 Narhat P.S. Case No. 202 of 2024 registered
for the offences punishable under Sections 8, 20(B)(ii)(C), 25
and 29 of the N.D.P.S. Act.

3. Allegedly, on account of the family feud, the wife
of the petitioner called the police. On noticing the police party,
the petitioner tried to flee away along with a white plastic bag,
however, he was nabbed by the police. On search, 1.111 Kg.
ganja was recovered from the possession of the petitioner.

4. There is total denial of the allegation levelled in the
FIR.

5. Learned counsel for the petitioner contended that,
in fact, nothing has been recovered from the possession of the



petitioner. However, on account of the family feud when the wife of the petitioner called the police and some altercation took place, his name has been implicated in this case. It is further contended that be that as it may, the recovered alleged ganja like substance is much below the commercial quantity and, as such, the rigors provided under Section 37 of the NDPS Act would not be applicable. Moreover, the petitioner is in custody since 07.06.2024. There is no compliance of the mandatory provision of Section 50 of the NDPS Act, inasmuch as till date there is no forensic science laboratory report suggesting that the recovered contraband is ganja. The petitioner bears fair antecedent.

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

7. Regard being had to the submissions made on behalf of the parties and considering the quantity of the narcotics substance, coupled with the fair antecedent of the petitioner and the infirmities in the search and seizure showing non-compliance of the mandatory provisions of the NDPS Act, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Narhat P.S. Case No. 202 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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