

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60353 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Jagat Rai, Son of Late Dhami Rai, Resident of Village- Lakhaura Laxmipur,
P.S. - Lakhaura, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mr. Manoj Kumar, learned Advocate for the

petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Chhauradano P.S. Case No. 173 of 2024
(NDPS Case No. 55 of 2024) registered for the offences
punishable under Sections 8/20(b)(ii)(A) of the Narcotic Drugs
and Psychotropic Substances Act (hereinafter referred to as ‘the
NDPS Act’).

3. The police on a confidential information with
regard to selling Ganja, raided the Gumti (shop) of the petitioner
and on search 78 gms of Ganja like substance was recovered.

4. Learned Advocate for the petitioner contended that
apart from the fact that the alleged recovered Ganja like



substance is below the small quantity, there is no compliance of mandatory provisions of Section 50 of the NDPS Act. It is next contended that the petitioner bears fair antecedent and now he has been incarcerated since 10.07.2024. Moreover, the punishment for the crime, in question, is only for two years.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involve in selling the Ganja.

6. Regard being had to the submissions made on behalf of the parties and considering the quantity of Ganja like substance, which is much below the small quantity, coupled with the fair antecedent of the petitioner, let the petitioner, named above, 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/Special Judge, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 173 of 2024 (NDPS Case No. 55 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.

(Harish Kumar, J)

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