

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60413 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- CHENARI District- Rohtas

Imamuddin Son of Marhum Musa Miya R/V- Village- Chenari, P.S.- Chenari,
Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. M K Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Chenari P.S. Case No. 157 of 2024,
registered for the offence punishable under Sections 20(b)(ii)B
and 22 of the Narcotic Drugs and Psychotropic Substances Act.

3. The allegation against the petitioner is of involved
in trafficking of *ganja*. The police on a secret information
reached to the place of occurrence. However, noticing the police
party, the petitioner along with another co-accused person tried
to flee away, after throwing the plastic bag containing *ganja* like
substance. On search, total 5.980 Kg *ganja* was recovered.

4. Learned Advocate for the petitioner referring to the
FIR contended that it appears that two persons were found
fleeing way, after throwing the plastic bag from where *ganja*
like substance was recovered. Admittedly, nothing has been



recovered from the person or possession of the petitioner. It is not specifically stated that who was the person, who had thrown the plastic bag. Be that as it may, the recovered *ganja* like substance is much below the commercial quantity and, as such, the rigors provided under Section 37 of the N.D.P.S. Act would not be applicable in the present case. The petitioner bears fair antecedent and now he has been incarcerated since 20.05.2024. It is next contended that after completion of the investigation, charge-sheet has been submitted, but without any FSL report.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was recognized by the *Chaukidar*, while he was trying to flee away after throwing the bag.

6. Regard being had to the submissions made on behalf of the parties and considering the quantity of the *ganja* like substance, coupled with the fact that there is no compliance of Section 42 of the N.D.P.S. Act and, inasmuch as the witnesses are none else but the police personnel, coupled with the fair antecedent and the fact that the investigation of the crime is complete and the charge-sheet has been submitted, 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, Rohtas at Sasaram in connection with Chenari P.S. Case No. 157 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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