

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62200 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- Balwahat District- Saharsa

Manohar Yadav Son of Late Nago Yadav R/o Village- Chaurahi Ward No.3,
P.S.- Salkhua, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Chandra Mohan Jha, 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 Balwahat P.S.
Case No. 36 of 2024 registered for the offences punishable
under Sections 8/20(b)(ii)(B) of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

3. In course of patrolling, while the petitioner was
coming on a motorcycle, he was intercepted by the police. On
search, total 1.960 kgs. of *ganja* like substance was recovered
from the bag of the petitioner.

4. There is total denial of the recovery from the
possession of the petitioner. Learned Advocate for the petitioner
contended that in fact in course of vehicle checking some



altercation took place with the police personnel resulting into lodging of the present FIR showing recovery from the possession of the petitioner. Moreover, the alleged recovered *ganja* like substance is much below the commercial quantity and as such the rigors provided under Section 37 of the NDPS Act requiring compliance of twin principle is not applicable. It is next contended that there is no compliance of the mandatory provisions of Section 50 of the NDPS Act. Moreover, the petitioner bears fair antecedent and now he has been incarcerated since 22.05.2024.

5. On the other hand, learned APP for the State opposed the bail application and submits that the recovery has been made from the exclusive possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovered *ganja* like substance is much below the commercial quantity, coupled with non-compliance of the mandatory provisions of the NDPS Act as well as the fair antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saharsa in connection with Balwahat P.S. Case No. 36 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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