

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67571 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- AURAI District- Muzaffarpur

Prabhu Ray @ Prabhu Rai Son of Late Thihai Ray @ Late Tiyai Ray Resident
of Village- Aurai, PS- Aurai, District- Muzaffarpur PIN - 843312, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Prabhakar Nath Rai, learned counsel for
the petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
06.04.2024, in connection with Aurai P.S. Case No. 71 of 2024,
F.I.R. dated 05.04.2024 registered for the offences punishable
under Sections 20(b)(ii) A, 8 of the NDPS Act.

3. The case relates to recovery of 215 grams of *ganja*.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that as per
allegation in the F.I.R. altogether 215 grams of *ganja* and Rs.
3,93,500/- was recovered from the possession of the petitioner.
Learned counsel for the petitioner further submits that the
recovered contraband is less than the commercial quantity so



there is no embargo of Section 37 of the NDPS Act to enlarge the petitioner on bail and apart from that the recovered amount is the petitioner's own amount who after selling the buffaloes collected the aforesaid amount. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.04.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Court I (NDPS) Civil Court, Muzaffarpur in connection with Aurai P.S. Case No. 71 of 2024, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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