

Arising Out of PS. Case No.-241 Year-2023 Thana- BELDOUR District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Beldaur P.S. Case No. 241/2023 registered for the offences punishable under Sections 20(b)(ii)(c) and 25 of the N.D.P.S. Act.

3. As per prosecution case, there was alleged recovery of 2.800 K.G. Ganja from the house of the petitioner and he was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 04.09.2023 and bears no criminal antecedent. He further submits that there is alleged recovery of 2.800 KG Ganja which falls under the



purview of intermediary quantity as small quantity of ganja is 01 KG and commercial quantity of Ganja is 20 KG, as per N.D.P.S. notification. He further submits that alleged recovery was made from the joint house of the petitioner and basically nothing has been recovered from the conscious possession of the petitioner. He further submits that seizure list has not been prepared as per law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 Additional Sessions Judge-IIIrd cum Special Judge, N.D.P.S. Act, Khagaria in connection with Beldaur P.S. Case No. 241/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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