

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89817 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- ARWAL District- Jehanabad

Santosh Kumar S/O Vishwanath Singh Resident Of Village- Kansho Pur, P.S.-
Arwal, Dist.- Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Neeraj, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr.Nityanand Neeraj, learned counsel for the
petitioner and the Mr.Tarun Prasad Mandal, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
26.07.2024, in connection with NDPS Case No.13 of 2024 (in
Arwal P.S.Case No.297/2024), FIR dated 25.07.2024, registered
for the offence under Sections 8/20(b)ii(B) of N.D.P.S.Act.

3. Recovery is of 10 Kg Ganja.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely
been implicated in the present case. As per FIR, 02 packets of
Ganja each of 05 Kg total 10 Kg of Ganja was recovered from
the Jhola which was kept in the motorcycle in question. He
further submits that the petitioner has been made accused in the



present case merely on the ground that the petitioner is owner of the motorcycle in question and the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.07.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the motorcycle of the petitioner but fairly submits that the recovered contraband is less than the commercial quantity.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge-1st, Jehanabad in connection with NDPS Case No.13 of 2024 (in Arwal P.S. Case No.297/2024), with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedent, 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)

Nitesh/-

U		T	
---	--	---	--

