

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30074 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- SIKRAUL District- Buxar

Harihar Sah, Son of Markat Sah, Resident of Village- Belaon, P.S.- Sikroul,
District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Ms. Rina Sinha, learned APP is appearing for the State as it is submitted that the brief has been allotted to her by the office of Advocate General.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Sikroul P.S. Case No.35 of 2020 (NDPS Case



No.06/2020) registered for the offence punishable under Sections 20(b), 22(A) of the NDPS Act.

It is submitted by the petitioner's counsel that for alleged recovery of 70 gram *Ganja* from a shop in a portion of the petitioner's house, that also in his absence, he is apprehending his arrest.

It is submitted that the petitioner is an old man aged about 68 years. The recovery from a shop in the portion of his house even if it is taken to be true, cannot made the basis for implicating the petitioner, as no case whatsoever would be made out under the NDPS Act. The petitioner has no criminal antecedents. Admittedly, there is no recovery from the petitioner's house or his possession.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to accept the submissions advanced by counsel for the petitioner for the purpose of grant of anticipatory bail to the petitioner and allow petitioner's prayer for anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned District Judge-Special Court-NDPS, Buxar, in connection with Sikroul P.S. Case No.35 of 2020 (NDPS Case No.06/2020), subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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