

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9869 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Sanni Kumar Saurabh Son of Shambhu Singh Kushwaha R/O Village-
Belaon, P.S.- Belaon, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey
For the State : Mr. Mukeshwar Daya, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks

of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with

Bhagwanpur (Belaon) P.S. Case No. 184 of 2021 registered for
the offence under Sections 8c, 20(b)(ii)B and 29 N.D.P.S. Act
and Sections 25(1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.10.2021.

As per the fact set out in the F.I.R., there is recovery
of one country made pistol alongwith two live cartridges and 4.5
Kg of Ganja from the house of the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of fire arms and Ganja cannot be said to be in conscious possession of the petitioner for the reason that the said recovery has been made from the house which has been jointly occupied by other family members. It has further been submitted that the seizure list is disputed, as the same has not been supported by the independent witness. While concluding the argument, it is submitted that the amount of Ganja is less than commercial quantity.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the recovery has not been made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not from conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with N.D.P.S. Case No.1 of 2022 arising out of Bhagwanpur (Belaon) P.S. Case No. 184 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Kaimur at Bhabua, subject to the following



conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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