

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17548 of 2022

Arising Out of PS. Case No.-598 Year-2021 Thana- SURSAND District- Sitamarhi

Mahendra Sah, Son of Late Saryug Sah Resident of Village - Sursand, P.s.-
Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
Smt. Divya Bharti, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-07-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sursand P.S. Case No.598 of 2021 instituted under Section
8/20(b)(ii)(B) of NDPS Act.

The prosecution story in short is that the informant
namely Ram Gopal along with Asstt. Commandant, C Coy, 51st
BN, SSB, Sitamarhi-II alleged that on 25.12.2021, during
course of patrolling at Bhithamor Check post he made inquiry
from the person coming from the Nepal side into India. On
suspicion, armed force intercepted the said person who
disclosed his name as Mahendra Sah and upon search of his
body, 1.650 kgs. ‘Ganja’ was recovered. Accordingly, a seizure



report was made and a FIR, bearing Sursand P.S. Case No.598 of 2021 was instituted.

Learned counsel for the petitioner submits that the total recovery/seizure is of 1.650 kg. of alleged '*Ganja*' which the police claims to have been recovered/seized for. He submits that he has no criminal antecedent and he is in custody since 25.12.2021 (as stated in para-13 of the bail application).

Considering the fact that charge-sheet already stand submitted and the petitioner is in custody since 25.12.2021 as also the fact that he has no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twnty Thousand) with two sureties of the like amount each in connection with Sursand P.S. Case No.598 of 2021 to the satisfaction of learned Special Judge, Sitamarhi, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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