

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38319 of 2021**

Arising Out of PS. Case No.-155 Year-2021 Thana- SITAMARHI District- Sitamarhi

Anuj Kumar Son of Mahendra Sah Resident of Village- Mohanpur, Ward No. 9, Bariarpur, P.S. and District- Sitamrahi- 843302.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 28-06-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Subodh Kumar, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sitamarhi P. S. Case No. 155 of 2021 registered for the offences punishable under Sections 414 read with 34 of the Indian Penal Code and Section 20/22 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, it is alleged that on a confidential information, the Police raided the house of the



petitioner, from where 01 Kg. *ganja* as well as a motorcycle were recovered. On search being made, it is alleged that 15 sachet of *ganja* was also recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that so far the alleged recovery of 15 sachet of *ganja* is concerned, the same is not even weighed by the Police officials and as such, the same appears to be within the smaller quantity and for which the maximum punishment has been provided for six months and this petitioner is in custody since 27.02.2021. It is further submitted that so far the alleged recovery of 01 Kg. *ganja* from the house of this petitioner is concerned, the same has been recovered from a joint family house, which is exclusively in the name of the father of the petitioner and he has already been granted anticipatory bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 44630 of 2021 vide order dated 08.04.2022. It is next submitted that so far the recovery of the motorcycle is concerned, the same is in the name of one Ajit Kumar and the petitioner has no concerned with it. It is also submitted that the investigation of the present crime has already been completed and the charge-sheet has been submitted, apart from that this



petitioner has clean antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the entire recovery has been made from the constructive possession of the petitioner from his house.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovered narcotic substance is in small quantity in as much as the other similarly situated person has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and this petitioner is in custody since 27.02.2021, though the investigation of the crime has already been concluded and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Sitamarhi P. S. Case No. 155 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.



- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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