

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41358 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- PARBATTa District- Khagaria

Indrajeet Sah @ Bodhu Sah Son Of Rajendra Sah Resident of Village- Baisa,
P.S.- Parbatta (Maraiya O.P.), District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 04-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Shekhar Kuamr Singh, learned counsel for the petitioner as well as Mr, Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Parbatta P.S.Case No. 21 of 2021 registered for the offences punishable under Sections 8/20 (b)(ii) (c),25,29 of the NDPS Act.

As per prosecution case, it is alleged that on a secret information 71.2 Kg Ganja was recovered from maize field of Bipin Yadav. On seeing, the police party ,two miscreants fled away and one of the miscreants was



apprehended by the police, who disclosed his name as Indrajeet Sah, the present petitioner.

It is submitted by the learned counsel for the petitioner that from bare perusal of the FIR the maize field from where the alleged recovery has been made, belongs to Bipin Yadav. It is also submitted that nothing has been recovered from conscious possession of this petitioner and petitioner being the owner of tomato field which is adjacent to the field of Bipin Yadav and as he was present there, his name has been falsely implicated. It is next submitted that co-accused Bipin Yadav on whose land the entire recovery was made has been granted anticipatory bail by the co-ordinate Bench of this Court in Cr. Misc. No 52713 of 2021 vide order dated 22.12.2021, the copy of which has been placed before this Court and the same has been taken on record. It is also submitted that there is no compliance of Sections 42 and 50 of the NDPS Act and moreover, the investigation has already been concluded and the charge sheet has been submitted, in as much as the petitioner is having fair antecedent.

On the other hand, learned APP for the State



opposes the bail application of the petitioner and submits that petitioner was apprehended on the spot, while he was trying to flee away and huge quantity of Ganja has been recovered from maize field.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that recovery has been made from the field of co-accused Bipin Yadav and further there is no compliance of Sections 42 and 50 of the NDPS Act and moreover, co-accused Bipin Yadav from whose land the entire recovery has been made has been granted anticipatory bail by the co-ordinate Bench of this Court in Cr. Misc. No. 52713 of 2021, vide order dated 22.12.2021, 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 Additional Sessions Judge -III , Khagaria, in connection with Parbatta P.S.Case No. 21 of 2021 with the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(ii) The petitioner will cooperate in the



investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(v) 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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